

# Exhibit 60

**MICHAEL LINDELL**  
**Smartmatic USA Corp vs Michael J. Lindell**

August 27, 2024

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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF MINNESOTA</p> <p>3 -----</p> <p>4 SMARTMATIC USA CORP., SMARTMATIC</p> <p>5 INTERNATIONAL HOLDING B.V. and</p> <p>6 SCO CORPORATION LIMITED,</p> <p>7 Plaintiffs,</p> <p>8 v. Case No. 0:22-cv-00098-WMW-JFD</p> <p>9 MICHAEL J. LINDELL and MY PILLOW,</p> <p>10 INC.,</p> <p>11 Defendants.</p> <p>12 -----</p> <p>13 The Deposition of MICHAEL LINDELL,</p> <p>14 taken pursuant to Notice of Taking</p> <p>15 Deposition, taken before Deb Beauvais, RPR,</p> <p>16 CRR, and a Notary Public in and for the</p> <p>17 County of Ramsey, State of Minnesota, taken</p> <p>18 via Zoom on August 27, 2024 at Hastings,</p> <p>19 Minnesota, commencing at approximately 9:30</p> <p>20 a.m.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 DEPOSITION EXHIBITS (CONT.)</p> <p>Exhibit 733 - MyPillow, Inc. Balance</p> <p>2 Sheet 12/31/19 134</p> <p>Exhibit 734 - MyPillow, Inc. Balance</p> <p>3 Sheet 12/31/20 135</p> <p>Exhibit 735 - MyPillow, Inc. Balance</p> <p>4 Sheet 12/31/21 135</p> <p>Exhibit 736 - MyPillow, Inc. Balance</p> <p>5 Sheet 12/31/22 135</p> <p>Exhibit 737 - MyPillow, Inc. Sales By</p> <p>6 Customer Summary, 137</p> <p>January-December 2018</p> <p>7 Exhibit 738 - MyPillow, Inc. Sales By</p> <p>Customer Summary, 138</p> <p>January-December 2019</p> <p>8 Exhibit 739 - MyPillow, Inc. Sales By</p> <p>Customer Summary, 138</p> <p>January-December 2020</p> <p>9 Exhibit 740 - MyPillow, Inc. Sales By</p> <p>Customer Summary, 138</p> <p>January-December 2021</p> <p>10 Exhibit 741 - Storms &amp; Alpaugh Letter</p> <p>re: Financial Statements Years</p> <p>11 Ending 12/31/22 &amp; 12/31/21 140</p> <p>Exhibit 742 - Storms &amp; Alpaugh Letter</p> <p>re: Financial Statements Years</p> <p>12 Ending 12/31/23 &amp; 12/31/22 141</p> <p>Exhibit 743 - Business Insider Magazine</p> <p>13 Article Screen Capture 168</p> <p>Exhibit 744 - Text Message Chain 183</p> <p>14 Exhibit 745 - First Supplemental</p> <p>Complaint, Absolute Proof audio</p> <p>15 transcript 280</p> <p>Exhibit 746 - Text Chain - Lindell &amp;</p> <p>16 Howse 302</p> <p>Exhibit 747 - Audio Recording Transcript</p> <p>17 from Pete Santilli Show, 2/24/21 307</p> <p>Exhibit 748 - Smartmatic's First</p> <p>18 Supplemental Complaint, Transcript -</p> <p>Eric Metaxas Radio Show 3/30/21 319</p> <p>20 Exhibit 749 - Carter Deposition</p> <p>Transcript 326</p> <p>21 Exhibit 750 - Carter Email 5/26/21 347</p> <p>Exhibit 751 - Cyber Symposium</p> <p>22 Attendance List 350</p> <p>Exhibit 752 - Dressen/Carter Emails 352</p> <p>23 Exhibit 753 - Advertisement for Cyber</p> <p>Symposium 353</p> <p>24 Exhibit 754 - Email String re: Request</p> <p>for Jim Bakker Show 363</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 ON BEHALF OF THE PLAINTIFFS:</p> <p>3 TIMOTHY FREY, ESQ.</p> <p>4 JULIE LOFTUS, ESQ.</p> <p>5 BENESCH, FRIEDLANDER, COPLAN &amp;</p> <p>6 ARNOFF</p> <p>7 71 South Wacker Drive</p> <p>8 Suite 1600</p> <p>9 Chicago, Illinois 60606</p> <p>10 tfrey@beneschlaw.com</p> <p>11 jloftus@beneschlaw.com</p> <p>12 ON BEHALF OF THE DEFENDANTS:</p> <p>13 CHRISTOPHER KACHOUROFF, ESQ.</p> <p>14 MCSWEENEY, CYNKAR &amp; KACHOUROFF,</p> <p>15 PLLC</p> <p>16 13649 Office Place</p> <p>17 Suite 1</p> <p>18 Woodbridge, Virginia 22192</p> <p>19 chris@mck-lawyers.com</p> <p>20 I N D E X</p> <p>21 PAGE</p> <p>22 MICHAEL LINDELL</p> <p>23 Examination by Mr. Frey 6</p> <p>24 DEPOSITION EXHIBITS</p> <p>25 Exhibit 723 - Notice of Deposition 11</p> <p>Exhibit 724 - MyPillow Amended &amp;</p> <p>Restated Buy &amp; Sell Shareholder</p> <p>Control Agreement 34</p> <p>Exhibit 725 - MyPillow's Fourth</p> <p>Supplemental Answers &amp; Objections</p> <p>to Plaintiffs' Second Set of</p> <p>Interrogatories 47</p> <p>Exhibit 726 - Cronin Email to Pietz 89</p> <p>20 Exhibit 727 - MyPillow, Inc. P&amp;L</p> <p>January-December 2018 130</p> <p>21 Exhibit 728 - MyPillow, Inc. P&amp;L</p> <p>January-December 2019 130</p> <p>22 Exhibit 729 - MyPillow, Inc. P&amp;L</p> <p>January-December 2020 130</p> <p>23 Exhibit 730 - MyPillow, Inc. P&amp;L</p> <p>January-December 2021 131</p> <p>24 Exhibit 731 - MyPillow, Inc. P&amp;L</p> <p>January-December 2022 131</p> <p>25 Exhibit 732 - MyPillow, Inc. Balance</p> <p>Sheet 12/31/18 134</p>	<p style="text-align: right;">Page 4</p> <p>1 DEPOSITION EXHIBITS (CONT.)</p> <p>Exhibit 755 - Email String re:</p> <p>2 Interview Mike - new movie - Media</p> <p>Request 382</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS</p> <p>2 (Witness sworn.)</p> <p>3 THE VIDEOGRAPHER: We are now on</p> <p>4 the record. The time is 9:40 a.m. Central</p> <p>5 Time. Today is August the 27th of 2024.</p> <p>6 This begins the video conference</p> <p>7 deposition of Michael Lindell. The case is</p> <p>8 Smartmatic USA Corporation, et al. vs.</p> <p>9 Lindell, et al.</p> <p>10 My name is Don Savoy. I'm your</p> <p>11 remote videographer today. The court</p> <p>12 reporter is Deb Beauvais. We are</p> <p>13 representing Esquire Deposition Solutions.</p> <p>14 Counsel, could you please state</p> <p>15 your name and whom you represent, after which</p> <p>16 the court reporter will swear in the witness.</p> <p>17 MR. FREY: Yes. This is Tim Frey</p> <p>18 of the Benesch law firm representing the</p> <p>19 Smartmatic plaintiffs.</p> <p>20 MS. LOFTUS: Julie Loftus also</p> <p>21 representing the Smartmatic plaintiffs.</p> <p>22 MR. KACHOUROFF: Chris Kachoureff</p> <p>23 representing Mike Lindell and MyPillow.</p> <p>24 THE COURT REPORTER: Could I have</p> <p>25 you raise your right hand, please.</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Thank you.</p> <p>2 And do you also have a work</p> <p>3 address, Mr. Lindell?</p> <p>4 A. Yes.</p> <p>5 Q. What is that address?</p> <p>6 A. 1550 Audubon Road, Chaska, Minnesota,</p> <p>7 C-H-A-S-K-A, 55318.</p> <p>8 Q. And obviously we're virtual here today. Are</p> <p>9 you at your home location or your office</p> <p>10 location or somewhere else?</p> <p>11 A. Home.</p> <p>12 Q. And I understand you've been deposed in this</p> <p>13 case before and several other times. Is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And so you probably know some of these rules,</p> <p>17 but I'll just go through them again to</p> <p>18 refresh your recollection.</p> <p>19 First, I'll be asking you a series</p> <p>20 of questions today, and if at any point you</p> <p>21 don't understand my question, I'll ask that</p> <p>22 you ask me to clarify it. Is that fair?</p> <p>23 A. Yes.</p> <p>24 Q. And so if you answer my question, I'll assume</p> <p>25 that you understood what I was asking. Is</p>
<p style="text-align: right;">Page 6</p> <p>1 (Witness sworn.)</p> <p>2 THE COURT REPORTER: Thank you.</p> <p>3 EXAMINATION</p> <p>4 BY MR. FREY:</p> <p>5 Q. Good morning, Mr. Lindell. As I just said on</p> <p>6 the record, my name is Tim Frey. I'm an</p> <p>7 attorney for Smartmatic in this case. Just a</p> <p>8 couple of things I want to get on the record</p> <p>9 before we begin.</p> <p>10 Could you please state your name.</p> <p>11 A. Michael J. Lindell, James Lindell.</p> <p>12 Q. And, Mr. Lindell, do you understand at this</p> <p>13 deposition today you are serving as a</p> <p>14 representative of MyPillow, Inc. with respect</p> <p>15 to a number of topics?</p> <p>16 A. Yes.</p> <p>17 Q. And you understand that your testimony then</p> <p>18 today is testimony on behalf of MyPillow,</p> <p>19 Inc. on the issues that we will discuss?</p> <p>20 A. Correct. Yes.</p> <p>21 Q. Do you have a home address, Mr. Lindell?</p> <p>22 A. Yes.</p> <p>23 Q. And what is that address?</p> <p>24 A. 15 -- hold on. 15 -- or 1715 FM Road 842,</p> <p>25 Lufkin, L-U-F-K-I-N, Texas, 75901.</p>	<p style="text-align: right;">Page 8</p> <p>1 that okay?</p> <p>2 A. Yes. Yes.</p> <p>3 Q. And as this is a deposition and we have a</p> <p>4 court reporter here, it's important that we</p> <p>5 don't talk over one another. So I'll do my</p> <p>6 best to let you finish your answer before I</p> <p>7 ask a question, and if you could let me</p> <p>8 finish my question before you answer so that</p> <p>9 she can get everything down. Is that fair?</p> <p>10 A. Yes.</p> <p>11 Q. And along those lines, the court reporter</p> <p>12 can't get down kind of nods of heads or</p> <p>13 shakes of heads, so everything needs to be</p> <p>14 oral, an oral response. Do you understand</p> <p>15 that?</p> <p>16 A. Yes.</p> <p>17 Q. And Mr. Kachoureff, your attorney, may object</p> <p>18 to some of my questions. Do you understand</p> <p>19 that unless he instructs you not to answer,</p> <p>20 even if he objects, you're still required to</p> <p>21 answer the question?</p> <p>22 A. Yes.</p> <p>23 Q. Do you understand that?</p> <p>24 A. Yeah.</p> <p>25 Q. Mr. Lindell, I noticed you might be typing or</p>

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<p style="text-align: right;">Page 9</p> <p>1 writing something down. Are you on your 2 phone or internet or anything like that? 3 A. No. I'm scratching my leg. I don't know. 4 I'm just texting my -- I'm texting my 5 company, my assistant, telling her to take my 6 calls. 7 Q. Okay. Yeah. I was just going to say: While 8 we're on the record today, if you could 9 please -- 10 A. And I also have a notepad. Am I allowed to 11 have a notepad? 12 Q. I'll ask you for what's on the notepad, but, 13 yes, you can have a notepad. 14 A. Thanks. 15 Q. And I'll just ask that you don't be texting 16 or taking calls or anything like that while 17 we're on the record. Do you understand? 18 A. Yeah. That's why I was just texting her, to 19 say take the calls. 20 Q. And we can take breaks during this deposition 21 if -- 22 A. Yeah, I need a break at quarter to 12:00 23 Eastern to 12:00. That's the only break I 24 need. 25 Q. Okay. Well, if at any other point you need a</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Yeah. 2 Q. You understand that? 3 A. Yeah. Yeah. 4 Q. And then the last kind of housekeeping item 5 is: We talked about this a little bit before 6 the deposition began on the record, but I 7 understand you are on your -- on a phone 8 today for this virtual deposition, and so we 9 will be sharing exhibits both in the chat for 10 the purposes of the court reporter to receive 11 a copy and we'll also be sharing the screen 12 so that you can view the document and provide 13 your testimony regarding -- 14 A. Okay. That sounds good. Yeah. 15 Q. Okay. So, Mr. Lindell, what did you do to 16 prepare for this deposition today? 17 A. Well, um, I got in my chair, got a cup of 18 coffee, and here I am. I talked to my lawyer 19 a little bit, for about 20 minutes. And 20 that's it. 21 Q. I'm going to have my colleague place on the 22 screen what will be Exhibit 723. 23 (Deposition Exhibit 723 was marked for identification.) 24 BY MR. FREY: 25 Q. And this is a copy of the deposition notice</p>
<p style="text-align: right;">Page 10</p> <p>1 break, just let us know. We can go off the 2 record. My only request there is that we 3 don't break in the middle of a question, 4 right? So I ask a question and then you say, 5 We need a break, let's answer the question 6 and then we can break. Fair? 7 A. Yeah. Yeah. 8 Q. And the last thing I'll just tell you is: I 9 understand you need a break at quarter to 10 12:00 Eastern. I usually take five minutes 11 every hour, hour and 15 minutes just for the 12 court reporter, the videographer so that 13 everyone can take a quick stretch, but we'll 14 keep those short. Fair? 15 MR. FREY: He just dropped off. 16 THE VIDEOGRAPHER: We are going off 17 the record at 9:46 a.m. 18 (A recess was taken.) 19 THE VIDEOGRAPHER: We are back on 20 the record at 9:47 a.m. 21 BY MR. FREY: 22 Q. Okay, Mr. Lindell. We just had a short break 23 there. You had a malfunction of your device. 24 We're back on the record, and I was just 25 explaining to you the break structure.</p>	<p style="text-align: right;">Page 12</p> <p>1 setting up this deposition today. Take your 2 time to look at that. Have you seen this 3 document before? 4 A. No. 5 Q. And if you scroll down -- or my colleague 6 will scroll down to page 5. There is a list 7 of topics. 8 A. Yep. 9 Q. Have you reviewed any documents that 10 contained these topics in them before? 11 A. Have I reviewed it? I don't know. Not this 12 particular document you're handing me -- or 13 your showing me that I see. I went over -- a 14 few of the questions my lawyer went over with 15 me and said, Here's what they're going to be 16 asking you. 17 Q. Okay. So you might have heard of what the 18 topics are, but you haven't necessarily seen 19 this precise document; is that fair? 20 A. No. That's fair, yeah. 21 Q. Let's just -- we'll take the topics, I guess, 22 one at a time, then, as we talk through them. 23 A. That sounds good. Okay. 24 Q. Did you -- aside from your attorney, did you 25 meet with anyone else to help prepare for</p>

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<p style="text-align: right;">Page 13</p> <p>1 this deposition today?</p> <p>2 A. No.</p> <p>3 Q. Did you speak with any -- you said you didn't</p> <p>4 speak with anyone.</p> <p>5 Did you review any documents to</p> <p>6 prepare for this deposition today?</p> <p>7 A. No.</p> <p>8 Q. Okay. So the first topic that we have here</p> <p>9 is the founding of MyPillow, including its</p> <p>10 initial strategies for reaching customers,</p> <p>11 demand for its products, and its growth. Do</p> <p>12 you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And are you the person most knowledgeable at</p> <p>15 MyPillow to testify to this topic?</p> <p>16 A. Yes.</p> <p>17 Q. And do I understand from your previous</p> <p>18 testimony that outside of your general</p> <p>19 knowledge, you didn't do anything in</p> <p>20 particular to prepare for testimony on this</p> <p>21 topic today?</p> <p>22 A. Nothing. That's correct.</p> <p>23 Q. And I'm going to take the second topic along</p> <p>24 with this topic because they're kind of</p> <p>25 related, and that is the ownership structure</p>	<p style="text-align: right;">Page 15</p> <p>1 wanted to come up with a solution, and it</p> <p>2 took about 10 -- 10 months or almost a year</p> <p>3 to invent and -- having an adjustable pillow</p> <p>4 that would -- that you could wash and dry,</p> <p>5 that could adjust and wouldn't go flat, and</p> <p>6 got a patent on it and -- yeah.</p> <p>7 Q. At some time -- at some point in time you</p> <p>8 incorporated the company; is that right?</p> <p>9 A. At first -- the company did a switch. It was</p> <p>10 an LLC, I believe, in 2005 called Night</p> <p>11 Moves, LLC, I believe, or something like</p> <p>12 that. That changed in, I believe it was,</p> <p>13 August of 2009 to MyPillow, Inc.</p> <p>14 Q. So August of 2009, would that be when you</p> <p>15 incorporated the company?</p> <p>16 A. The company was incorporated. Before that it</p> <p>17 was an LLC. Now it became MyPillow, Inc., an</p> <p>18 S Corp. I don't know if it was an S Corp.</p> <p>19 before or not, I can't remember, but, yeah,</p> <p>20 it became its current LLC -- or its current</p> <p>21 Inc. S Corp. in the summer of two thousand --</p> <p>22 August of 2009.</p> <p>23 Q. Okay. And at the time it became its current</p> <p>24 S Corp., were there any shareholders of</p> <p>25 MyPillow other than yourself?</p>
<p style="text-align: right;">Page 14</p> <p>1 of MyPillow. Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And are you the person most knowledgeable at</p> <p>4 MyPillow to testify as to the ownership</p> <p>5 structure of MyPillow?</p> <p>6 A. Yes.</p> <p>7 Q. And, again, just for the record, outside of</p> <p>8 your general knowledge and background, you</p> <p>9 did not do anything in particular to prepare</p> <p>10 to testify to this topic today, correct?</p> <p>11 A. Absolutely nothing.</p> <p>12 Q. All right. So talking about the founding of</p> <p>13 MyPillow, you, Mr. Lindell, are the founder</p> <p>14 of MyPillow, correct?</p> <p>15 A. I invented it, that's correct.</p> <p>16 Q. Invented, okay. And when did you invent</p> <p>17 MyPillow?</p> <p>18 A. 2004.</p> <p>19 Q. And what was your impetus for inventing the</p> <p>20 MyPillow company?</p> <p>21 A. What was my impetus? What's the reason, you</p> <p>22 mean?</p> <p>23 Q. Yeah.</p> <p>24 A. I had pillows that I'd bought all my life</p> <p>25 that didn't work and I seen a problem and I</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes.</p> <p>2 Q. Do you recall how many other shareholders</p> <p>3 there were at that time?</p> <p>4 A. Um, I don't recall. I want to say maybe --</p> <p>5 maybe 20. I don't -- I don't know. That I</p> <p>6 don't recall. I'd be guessing.</p> <p>7 Q. Do you have a recollection as to the</p> <p>8 proportion of shares that the various</p> <p>9 shareholders held?</p> <p>10 A. Um, at that time -- I know there was a time</p> <p>11 when I -- when I held 30-some or 40-some</p> <p>12 percent, I think, 40-some percent. And now</p> <p>13 you bring it up to current, I hold fifty -- I</p> <p>14 think 54 percent and there's currently maybe</p> <p>15 upwards of 50 to 100 stockholders. They're</p> <p>16 all employees -- most of them are employees.</p> <p>17 It's an employee-owned company.</p> <p>18 Q. So you anticipated my next question I was</p> <p>19 going to ask, if you have added stockholders</p> <p>20 over the years. It sounds like the answer is</p> <p>21 yes --</p> <p>22 A. Yes. Yep. Yeah.</p> <p>23 Q. -- that has occurred and that --</p> <p>24 A. We give our employees incentives. If they</p> <p>25 stay long, then they get their stock, that</p>

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<p style="text-align: right;">Page 17</p> <p>1 they become stockholders and stuff like that.</p> <p>2 Q. And you said at some point in time your level</p> <p>3 of stock increased and now it's at 54</p> <p>4 percent; is that right?</p> <p>5 A. Right. I used to be a lot higher at one</p> <p>6 time. It was in the 80, 90 percent, I guess.</p> <p>7 But now when we -- now from -- it's</p> <p>8 fluctuated over time, but then there was a</p> <p>9 clause made where it wouldn't fall below</p> <p>10 51 percent.</p> <p>11 I think it's in our bylaws where I</p> <p>12 don't fall below that, because we had stuff</p> <p>13 that happened in 2009 and '10 where these</p> <p>14 people tried to take the company and so the</p> <p>15 board put in bylaws where I couldn't go below</p> <p>16 51 anymore.</p> <p>17 Q. Okay. Okay. So it's mandated in the bylaws</p> <p>18 that you are the majority shareholder of</p> <p>19 MyPillow?</p> <p>20 A. Correct.</p> <p>21 Q. And that has been since at least -- so from</p> <p>22 around the 2010 time frame?</p> <p>23 A. No. There was -- it was later than that when</p> <p>24 it got mandated that I -- I think it was</p> <p>25 later than that. Um, I don't know the exact</p>	<p style="text-align: right;">Page 19</p> <p>1 know -- I know there was -- Jim Furlong on</p> <p>2 there, he was president of the board, I</p> <p>3 think.</p> <p>4 So I'm for sure CEO and I'm the</p> <p>5 majority shareholder. And if we have that</p> <p>6 title chairman, then I'm that, too.</p> <p>7 Q. All right. So in your positions as -- at</p> <p>8 least majority shareholder and CEO, and if</p> <p>9 you have the title chairman of the board,</p> <p>10 then that position --</p> <p>11 A. Yep.</p> <p>12 Q. -- is it fair to say that you control</p> <p>13 MyPillow, Inc.?</p> <p>14 A. As far as what? Day-to-day? Yeah, I</p> <p>15 would -- I control, um, as far as day-to-day</p> <p>16 and -- you know, we make decisions, but I</p> <p>17 guess the final decision would probably be</p> <p>18 mine on a day-to-day basis.</p> <p>19 There's decisions made every day,</p> <p>20 though, that I'm not aware of that I have</p> <p>21 given my employees. We have long-term</p> <p>22 employees that I trust.</p> <p>23 So if you are -- I don't know what</p> <p>24 kind of decisions you're talking about.</p> <p>25 Q. So first let's talk about strategies,</p>
<p style="text-align: right;">Page 18</p> <p>1 timing on it. Um, I think we had a big thing</p> <p>2 in 2014. That might have been when it was</p> <p>3 mandated, because we had these guys try to</p> <p>4 take the company.</p> <p>5 Q. So in -- by the time of the 2020 US election,</p> <p>6 were you the majority shareholder at that</p> <p>7 time?</p> <p>8 A. Yes.</p> <p>9 Q. And you were also the chairman of the board</p> <p>10 of directors at the time of the 2020</p> <p>11 presidential election; is that right?</p> <p>12 A. Of the board of directors? Yes. I guess I</p> <p>13 would be chairman. I don't know. We have --</p> <p>14 when you talk the board, I was the CEO of the</p> <p>15 company. As far as the board of directors, I</p> <p>16 guess I would be the chairman, too. I'd have</p> <p>17 to look at that.</p> <p>18 Q. Do you understand if you're -- do you</p> <p>19 understand whether you're still the chairman,</p> <p>20 CEO, and majority shareholder --</p> <p>21 A. I'm --</p> <p>22 Q. -- of MyPillow today?</p> <p>23 A. Yes. Yes. I don't know about the title</p> <p>24 chairman, though, but, yeah, I guess I would</p> <p>25 be -- I don't know if we had that title. I</p>	<p style="text-align: right;">Page 20</p> <p>1 strategic decisions about the direction of</p> <p>2 the company. Do you exercise control over</p> <p>3 those decisions?</p> <p>4 A. That's a group. We talk about it. And it's</p> <p>5 just like any other CEO. I guess I would</p> <p>6 make the final call after taking input from</p> <p>7 everybody, and that includes my board when we</p> <p>8 have -- it includes the board.</p> <p>9 But on a day-to-day thing, every</p> <p>10 day we deal with the department, we take in</p> <p>11 all the info, and we come to a decision. And</p> <p>12 does it ultimately end up being mine? Yes.</p> <p>13 Q. And how about on the kind of marketing</p> <p>14 strategy for MyPillow, is that a similar</p> <p>15 setup as to what you just described?</p> <p>16 A. Yeah, the marketing strategy was -- when you</p> <p>17 talk about -- I mean, that goes back to 2010</p> <p>18 and '11 when we first did print and we</p> <p>19 learned to track each individual show or</p> <p>20 commercial by promo code so we would be able</p> <p>21 to track individual -- individual -- it kind</p> <p>22 of manifested the problems we had in 2012</p> <p>23 when other people were making those</p> <p>24 decisions.</p> <p>25 In the spring of 2012 other people</p>



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<p>1 made those decisions, outside companies. We</p> <p>2 had a lot of internal where I trusted people</p> <p>3 to make those decisions.</p> <p>4 And then everything that came out</p> <p>5 of 2012, I completely changed our marketing</p> <p>6 strategy where every -- every single --</p> <p>7 whether it's a commercial in the middle of</p> <p>8 the night on CNN or one on Fox or it's a</p> <p>9 newspaper in Dubuque, Iowa, or it's a radio</p> <p>10 show, every one of them is tracked</p> <p>11 individually on a promo code.</p> <p>12 Like what if you only had to live</p> <p>13 off that show, you would want to make it the</p> <p>14 best you could be. And if it doesn't make</p> <p>15 its number, you don't run it.</p> <p>16 So all that strategy was developed,</p> <p>17 and I believe we were one of the few</p> <p>18 companies that do that strategy, but it was,</p> <p>19 um -- it was something, I guess, that myself</p> <p>20 and -- mostly myself came up with that, yes,</p> <p>21 in 2010 and '11, coming out of 2012 when all</p> <p>22 the problems we had and then I took it all</p> <p>23 in-house.</p> <p>24 Q. Okay. So -- and then ultimately do you still</p> <p>25 retain kind of control over the</p>	<p>1 fine, everything is running smooth. If they</p> <p>2 see something that's out of whack, whether</p> <p>3 it's good or bad, that's what gets reported</p> <p>4 immediately and then we will spend -- we'll</p> <p>5 dig into it. You need a different input to</p> <p>6 get a different output.</p> <p>7 And -- but they will bring that --</p> <p>8 somewhat of micromanaging and macromanaging</p> <p>9 at the same time, but I can sit for days and</p> <p>10 not have to worry about anything because if I</p> <p>11 don't get that call for a deviation, then I</p> <p>12 know everything is running smoothly.</p> <p>13 And that's one thing that my --</p> <p>14 every single one of my employees, 500 of</p> <p>15 them, have my direct number. They will call</p> <p>16 me if there is a deviation, whether it's</p> <p>17 people there is a problem with, and then --</p> <p>18 you know, if something is wrong on the</p> <p>19 production line, they will call -- you know,</p> <p>20 they'll reach out. If I don't get a call,</p> <p>21 everything is beautiful, so...</p> <p>22 Q. Okay. And, Mr. Lindell, I appreciate that.</p> <p>23 With respect to the deviations in</p> <p>24 the marketing direction, who is the person</p> <p>25 that's responsible to report that to you?</p>
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<p>1 decision-making with respect to that --</p> <p>2 maintaining that marketing strategy?</p> <p>3 A. Yeah, there's been -- there's things put in</p> <p>4 place. You know, every day I look at every</p> <p>5 single -- every single promo code that's out</p> <p>6 there, and if something does bad or good,</p> <p>7 it's brought up as a deviation.</p> <p>8 But I have different people that</p> <p>9 look at that in different departments and</p> <p>10 they report deviations or blocks to me.</p> <p>11 Usually they can -- a lot of it's already</p> <p>12 handled because we've -- these people, they</p> <p>13 know our system.</p> <p>14 And they -- now, if something -- if</p> <p>15 a deviation comes up that something is bad or</p> <p>16 good, that will be brought to me, but usually</p> <p>17 she's -- this person or this department</p> <p>18 already has it. They bring it to me and then</p> <p>19 we talk about it, what's the best way to get</p> <p>20 through it or what -- I'll give them</p> <p>21 direction, you know, this has to be, um, dug</p> <p>22 into.</p> <p>23 And we get -- that's -- you know,</p> <p>24 my whole company runs off deviations and</p> <p>25 blocks. So if a department -- they'll run</p>	<p>1 A. All the employees. That's why I say 500 of</p> <p>2 my employees have my direct number. So they</p> <p>3 will -- they will -- like let's say it's --</p> <p>4 I'll give an example. So --</p> <p>5 Q. Mr. --</p> <p>6 (Simultaneous indiscernible crosstalk.)</p> <p>7 A. Okay. It could be -- I'll just give you an</p> <p>8 example. So let's say it's on a production</p> <p>9 line and this person is on the line and they</p> <p>10 feel that the pillows aren't the weights</p> <p>11 they're supposed to be or maybe their</p> <p>12 employee came in and he's acting differently.</p> <p>13 I'll get the call and they'll</p> <p>14 say -- you know, let's say it's an employee.</p> <p>15 I'll say, You know what? We find out maybe</p> <p>16 they're using. So then we'll take them out.</p> <p>17 I'll say, You know what? I'll talk to them.</p> <p>18 We usually get them into treatment, get them</p> <p>19 help and, you know, we'll act on that</p> <p>20 deviation.</p> <p>21 If it's a pillow in that line that</p> <p>22 it was weighed wrong, they'll call me. I'll</p> <p>23 call the manager up and say, Hey, we have a</p> <p>24 report that this is going wrong. And it</p> <p>25 corrects itself then because then the</p>

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<p style="text-align: right;">Page 25</p> <p>1 manager -- they might not have heard about it</p> <p>2 or -- it's kind of like everybody managing</p> <p>3 that are -- you have everybody's eyes on it.</p> <p>4 Q. I appreciate that, Mr. Lindell. Right now I</p> <p>5 just wanted to focus more on the marketing</p> <p>6 and the promo code deviations than anything</p> <p>7 with other employee issues or production.</p> <p>8 A. The promo code -- the promo code deviations,</p> <p>9 there's -- many people will look at that now</p> <p>10 in each department, whether it's emails -- we</p> <p>11 have email marketing. We have text</p> <p>12 marketing. We have radio. We have podcasts.</p> <p>13 We have everything we've been doing since</p> <p>14 2010.</p> <p>15 So I'll get a -- if I get a -- I'll</p> <p>16 look at all of them on my device. I'll look</p> <p>17 at all the promo codes and I'll say, Wow,</p> <p>18 this -- this commercial in the middle of the</p> <p>19 night on ABC, it usually does 3,000 and it</p> <p>20 only did 1,000.</p> <p>21 Well, it's the power of numbers, so</p> <p>22 I'll say -- I'll look into it. I'll call up</p> <p>23 whosever department that is and say, Hey,</p> <p>24 check and see what happened on the ABC</p> <p>25 commercial, or let's say it was a podcast or</p>	<p style="text-align: right;">Page 27</p> <p>1 stable that's on there that you put money</p> <p>2 into, like, let's say, a billboard, those</p> <p>3 numbers don't -- if there is a deviation</p> <p>4 there, it would be pretty much impossible</p> <p>5 because it's the same every day.</p> <p>6 The only time those changed was</p> <p>7 right when the virus came where everybody</p> <p>8 is -- their paradigm changed, where radio</p> <p>9 just dropped altogether.</p> <p>10 Q. Mr. Lindell, sorry to interrupt you there,</p> <p>11 but if you could try to just -- my questions</p> <p>12 are pretty cabined, and I feel like you're</p> <p>13 kind of giving me a long explanation and then</p> <p>14 getting into a train of thought.</p> <p>15 So if you could try to just, you</p> <p>16 know, answer the questions, we'll be able to</p> <p>17 get through this today a lot -- a lot</p> <p>18 speedier.</p> <p>19 I was just -- my question was</p> <p>20 really just what department would that be</p> <p>21 that tracks that --</p> <p>22 A. There's many -- well, there's many -- and I</p> <p>23 tried to give you the answer. There's many</p> <p>24 departments.</p> <p>25 I have my son as the COO. He will</p>
<p style="text-align: right;">Page 26</p> <p>1 let's say it was a print, a newspaper.</p> <p>2 Something happened that changed,</p> <p>3 and every time you have to dig in. So I'll</p> <p>4 call that department or that department will</p> <p>5 take care of it themselves because it could</p> <p>6 be something simple.</p> <p>7 But usually -- like let's say all</p> <p>8 the numbers would be down. So let's say all</p> <p>9 the numbers would be down for a whole day,</p> <p>10 which happened last week. We had a whole day</p> <p>11 where it was just a drop across the board.</p> <p>12 Well, we knew what it was. It was the DNC</p> <p>13 Convention, the Democrat Convention.</p> <p>14 When that happened, the numbers</p> <p>15 went down because commercials were preempted,</p> <p>16 it's called, so they don't run on your CNNs,</p> <p>17 your Foxes, your ABC. They ran stuff</p> <p>18 commercial-free.</p> <p>19 And so it can be a national thing</p> <p>20 that affects something. It could be an</p> <p>21 individual thing. It could be that a host</p> <p>22 didn't do their read correctly for MyPillow.</p> <p>23 It could be -- you know, if it's a</p> <p>24 billboard, it could be then, you know --</p> <p>25 usually it wouldn't be -- something that's</p>	<p style="text-align: right;">Page 28</p> <p>1 look at -- he will look at numbers at the</p> <p>2 factory. He will look at different numbers</p> <p>3 there that affect -- it could be -- companies</p> <p>4 we deal with.</p> <p>5 Like let's say it's, oh, AMAC or --</p> <p>6 I mean, some companies that we advertise with</p> <p>7 and watch their numbers if they go up and</p> <p>8 down based on their promo codes, AMAC or it's</p> <p>9 an insurance company that we -- whatever it</p> <p>10 is.</p> <p>11 Another department is this gal</p> <p>12 deals with podcasters. Another department</p> <p>13 deals with -- the promo codes run everything.</p> <p>14 So everything is tracked on every single</p> <p>15 department.</p> <p>16 So you have another guy that</p> <p>17 tracks -- Nick that tracks the emails. I</p> <p>18 have another guy that tracks text marketing.</p> <p>19 Another one tracks social media marketing,</p> <p>20 so... The one gal, she'll look and she'll</p> <p>21 say, Hey, we only did this. Another one</p> <p>22 tracks Google and Facebook. They are all</p> <p>23 tracked by promo codes.</p> <p>24 You're asking me a question --</p> <p>25 every department is run that way. It's been</p>



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<p style="text-align: right;">Page 29</p> <p>1 since 2010. So -- and we just manifested, 2 took it all in-house. 3 It's like people that market -- 4 when you brand -- I've never branded, so I 5 don't put a thing out there. MyPillow? No. 6 Everything is what if you only could live on 7 this exact -- like right now, here's an 8 example: 9 So the promo codes at the Minnesota 10 State Fair were doing very, very bad. If you 11 didn't know the variable that came in -- we 12 moved locations. We're down 70 percent 13 because of the location move. 14 And when I -- when the numbers 15 first came in, it was reported to me by that 16 department. I'm going: This is terrible. I 17 made a very bad decision moving it from one 18 location to another at the Fair. 19 So let's say it would be -- this 20 happened last week with email marketing. 21 That department called me up and said -- and 22 he said, Hey, we've got a -- this -- these 23 three emails did not work. They didn't hit 24 their number. They're lower than normal. So 25 we look at what was the offer, what was</p>	<p style="text-align: right;">Page 31</p> <p>1 codes. So -- 2 (Simultaneous indiscernible crosstalk.) 3 A. Every department it has to do with marketing. 4 Every single thing that goes out to things. 5 We don't brand. We don't brand. 6 We don't just buy an ad that says, 7 "MyPillow." We track it with promo codes so 8 we find out if it's successful or not. 9 People that -- that's why people 10 think -- I've never branded. I don't have 11 money to brand. We never branded. We run 12 our company differently because you want to 13 know if your -- if it's working or not. This 14 goes back to when I first did print in 2010. 15 MR. KACHOUROFF: Mike -- 16 A. I -- 17 (Simultaneous indiscernible crosstalk.) 18 MR. KACHOUROFF: Just listen to 19 this: Answer his question specifically. 20 You're giving a lot of volunteer information, 21 which I'm sure he appreciates, but let him 22 get what he needs to get out. 23 THE WITNESS: He asked the 24 departments. I'm trying to explain why it's 25 every department. It's not just, oh, this is</p>
<p style="text-align: right;">Page 30</p> <p>1 the -- you know, I mean, you've got to change 2 the offer. On any given thing, you either -- 3 you have to change the input. 4 If it's good, if we hear something 5 that's good, we'll duplicate that. Let's say 6 it was a podcaster that did good. We'll find 7 out, well, what was the read, what was the 8 offer he did for MyPillow, and then we would 9 pass that out or duplicate it. If it's bad, 10 obviously we want to find out why it 11 happened. Did he even do a read? 12 So it's all different departments 13 that run off those -- those deviations and 14 those promo codes, every department. Every 15 department there is marketing. Every 16 marketing department runs off that. 17 Even -- even the few box stores we 18 have left, you know, we'll do promo codes. 19 Like if we send out fliers with their -- 20 inside the packaging. Let's say there is 21 packaging and you get a little catalog that's 22 in there. That's also promo code tracked. 23 So every flyer we send out, 24 every -- we do direct mailing. That's 25 another department. So that's ran off promo</p>	<p style="text-align: right;">Page 32</p> <p>1 the promo code department. 2 I run my whole company like this, 3 because I want to know if every -- I want to 4 know every show -- by the way, when I did -- 5 (Simultaneous indiscernible crosstalk.) 6 MR. KACHOUROFF: Whoa. Wait, wait, 7 wait. Mike, that's the answer, every 8 department -- 9 (Simultaneous indiscernible crosstalk.) 10 THE WITNESS: No. I want to finish 11 this part -- I want to finish this part, 12 Chris. 13 MR. KACHOUROFF: Okay. 14 THE WITNESS: So with the -- even 15 when I -- all I had was shows and fairs, I 16 had over a hundred people on the ground 17 working all across the country before they 18 were cancelled, but all across the country 19 and every single show was tracked by a promo 20 code and their own 1-800 number, by the way, 21 so that you could find out if that show was a 22 success or not. 23 And otherwise, if people don't do 24 that, their marketing is not good and that's 25 why -- that's why I believe we have some of</p>

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<p>1 the best marketing strategy ever.</p> <p>2 BY MR. FREY:</p> <p>3 Q. Okay. All right. So there's no kind of</p> <p>4 rolled-up chief of marketing or person who</p> <p>5 oversees all of that? That's you? You kind</p> <p>6 of oversee that?</p> <p>7 A. That's me. That's me. If -- they call if</p> <p>8 there's a deviation. That's what I look at</p> <p>9 every day. It's like seeing if everybody is</p> <p>10 batting 300. That's -- think of it like</p> <p>11 that, like a ball team. If they're not</p> <p>12 batting 300, you find out why and you want to</p> <p>13 check into it. If they are batting 400, man,</p> <p>14 you want to duplicate that. It's pretty</p> <p>15 simple.</p> <p>16 Q. Okay. Going back to kind of the powers and</p> <p>17 responsibilities you have at MyPillow, are</p> <p>18 there -- does anyone at the company or on the</p> <p>19 board have the ability or the authority to</p> <p>20 remove you either as CEO or from your board</p> <p>21 position?</p> <p>22 A. On the board? No. The board of directors,</p> <p>23 they can -- they put in their input. They</p> <p>24 can put in their input and they -- you know,</p> <p>25 they can say we believe this is the wrong</p>	<p>1 Q. And my colleague is going down to page 14</p> <p>2 here. You see there is a signature block for</p> <p>3 you?</p> <p>4 A. Uh-huh.</p> <p>5 Q. The one we received isn't executed. Have you</p> <p>6 executed this document?</p> <p>7 A. I have no idea.</p> <p>8 Q. Do you or does MyPillow ask shareholders of</p> <p>9 the company to execute this document?</p> <p>10 A. Which -- (reading indiscernibly). I don't</p> <p>11 know.</p> <p>12 Q. Are you aware of any other agreements that</p> <p>13 govern the rights and responsibilities of</p> <p>14 MyPillow shareholders?</p> <p>15 A. I -- I don't know. That's handled by our</p> <p>16 lawyer.</p> <p>17 Q. And is that the MyPillow in-house attorney?</p> <p>18 A. Yes.</p> <p>19 Q. Who would that be?</p> <p>20 A. Right now I believe it's Doug Wardlow. I</p> <p>21 also have Jeremiah Pilon, but I think it's --</p> <p>22 I think it's either one of them. That</p> <p>23 department does that. We've had -- back in</p> <p>24 the past, you go back here, it would have</p> <p>25 been Joe Springer, I believe, back then.</p>
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<p>1 strategy or this -- if they want to; or if on</p> <p>2 a day-to-day basis I have, um, people like my</p> <p>3 son, you know, would push back or they'll</p> <p>4 say, hey, we think this is wrong and we</p> <p>5 discuss it and then we come out with an</p> <p>6 answer. But they don't have the ability to</p> <p>7 remove me, no.</p> <p>8 Q. And I'm going to put up -- or my colleague is</p> <p>9 going to put up on the screen what will be</p> <p>10 Exhibit 724.</p> <p>11 (Deposition Exhibit 724 was marked for identification.)</p> <p>12 MR. FREY: And this is -- for the</p> <p>13 record, this is Bates labeled DEF081370 and</p> <p>14 it's titled the Amended and Restated Buy and</p> <p>15 Sell Shareholder Control Agreement of</p> <p>16 MyPillow, Inc.</p> <p>17 BY MR. FREY:</p> <p>18 Q. Do you see that?</p> <p>19 A. Okay. Yep.</p> <p>20 Q. And do you recognize this document?</p> <p>21 A. Yeah.</p> <p>22 Q. And is this the shareholder agreement that</p> <p>23 currently governs the rights and</p> <p>24 responsibilities of MyPillow shareholders?</p> <p>25 A. I would say it probably is, yes. Yep.</p>	<p>1 We've had different in-house attorneys.</p> <p>2 Q. I'm looking at page 10 here, provision 5.2,</p> <p>3 and if you see, it says, "For as long as</p> <p>4 Lindell is alive, has not resigned from the</p> <p>5 board of directors, and is not incapacitated,</p> <p>6 Lindell shall be a director on the board of</p> <p>7 directors of that corporation. Each</p> <p>8 shareholder agrees to vote his or her shares</p> <p>9 of the corporation to ensure that Lindell</p> <p>10 will be elected as a director on the board of</p> <p>11 directors of the corporation for so long as</p> <p>12 Lindell is alive, has not resigned from the</p> <p>13 board of directors of the corporation, and is</p> <p>14 not incapacitated."</p> <p>15 Do you see that?</p> <p>16 A. Yep.</p> <p>17 Q. And is it your understanding that the</p> <p>18 shareholders must comply with this provision?</p> <p>19 A. I have no idea. That was put in by, like I</p> <p>20 say, our in-house attorney named Joe Springer</p> <p>21 and this was after we had gotten through,</p> <p>22 call it, a hostile takeover of MyPillow back</p> <p>23 in the day and he put in provisions that</p> <p>24 would protect us from that ever happening</p> <p>25 again.</p>

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<p>1 So I don't know. I'm not a lawyer.</p> <p>2 But this was -- I know this was set up -- if</p> <p>3 it's 2020, it was set up by Joe Springer,</p> <p>4 Joseph Springer.</p> <p>5 Q. Is it your understanding that for as long as</p> <p>6 you are willing to do so and MyPillow is</p> <p>7 incorporated, that you will assuredly be a</p> <p>8 director on the board of directors?</p> <p>9 A. Yeah. I don't want to leave the employees</p> <p>10 that are there stranded. That's exactly</p> <p>11 right. Yeah.</p> <p>12 Q. And you just don't know one way or the other</p> <p>13 whether that's a requirement of -- for the</p> <p>14 shareholders who sign this document?</p> <p>15 A. I have no idea. The shareholders are</p> <p>16 given -- basically, I think it's a working</p> <p>17 stock where they're given -- I have no idea.</p> <p>18 I'm not a lawyer.</p> <p>19 Q. And you didn't -- you didn't speak with</p> <p>20 anyone in advance of this deposition to</p> <p>21 understand how the shareholder agreement</p> <p>22 works?</p> <p>23 A. No. No. This was done back then. This was</p> <p>24 done in 2020, it looks like you're showing</p> <p>25 me.</p>	<p>1 has not resigned as an officer in the</p> <p>2 corporation, and is not incapacitated."</p> <p>3 Do you see that?</p> <p>4 A. That's correct. Yep. Yep.</p> <p>5 Q. And do you understand that the shareholders</p> <p>6 of MyPillow who are directors must comply</p> <p>7 with this provision, that you're voted to be</p> <p>8 CEO and chairman of the board?</p> <p>9 A. Right. Right. We're a private -- a private</p> <p>10 company, and all these people were given --</p> <p>11 given stock for being employees. So it's a</p> <p>12 bonus to them.</p> <p>13 So, yes, we did not -- the stuff</p> <p>14 that Joe Springer put in, yes, they would --</p> <p>15 they're more than happy to get their free</p> <p>16 stock and comply with this because this is</p> <p>17 the -- this is what we put in, some of these</p> <p>18 safeguards, so that they -- that someone</p> <p>19 couldn't come in and take it from all my</p> <p>20 employees and take it another direction that</p> <p>21 we didn't want to go.</p> <p>22 Q. And do the shareholders of MyPillow receive</p> <p>23 corporate distributions from the company?</p> <p>24 A. Yes, they used to, but now we've been --</p> <p>25 since we've been decimated with -- they</p>
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<p>1 I know there was a lot of</p> <p>2 protections put in because the -- they did</p> <p>3 not -- none of the shareholders and none of</p> <p>4 my people wanted ever this to happen again to</p> <p>5 us, where they tried to take MyPillow from</p> <p>6 us, so they -- all these were put in by Joe</p> <p>7 Springer back then. I have no idea the</p> <p>8 safeguards he put in.</p> <p>9 Q. Looking down at the next provision, 5.3, do</p> <p>10 you see it also states that, "For as long as</p> <p>11 Lindell is alive, has not resigned as an</p> <p>12 officer of the corporation, and is not</p> <p>13 incapacitated, Lindell shall be an officer in</p> <p>14 the corporation holding the offices of</p> <p>15 chairman of the board and chief executive</p> <p>16 officer"?</p> <p>17 A. Yep.</p> <p>18 Q. Do you see that?</p> <p>19 A. Yep.</p> <p>20 Q. And it goes on to say, "Each shareholder</p> <p>21 agrees, to the extent such shareholder is a</p> <p>22 director in the corporation, to vote to</p> <p>23 ensure that Lindell will be elected as an</p> <p>24 officer in the corporation in accordance with</p> <p>25 this section for so long as Lindell is alive,</p>	<p>1 haven't had one in a long time.</p> <p>2 Q. And --</p> <p>3 A. Since all this -- since all this stuff</p> <p>4 happened with the election stuff, they --</p> <p>5 we've lost hundreds of millions of dollars,</p> <p>6 so there has been no distributions.</p> <p>7 Q. When was the last distribution that was made</p> <p>8 to the shareholders?</p> <p>9 A. I believe probably in 2020. I'm not sure</p> <p>10 about that. It's been a long time since --</p> <p>11 since all the box stores cancelled in January</p> <p>12 of '21 and we lost hundreds of millions right</p> <p>13 when all this started happening in January of</p> <p>14 '21.</p> <p>15 That was probably -- the last</p> <p>16 distribution was in 2020, but I'd have it</p> <p>17 check on that. I'm not sure. It could've</p> <p>18 been early '21, but I think it was 2020,</p> <p>19 because when we started losing all of our</p> <p>20 money, that was the beginning of '21.</p> <p>21 Q. And we'll look at some financial documents in</p> <p>22 a little bit. I'm just trying to get a</p> <p>23 general sense right now.</p> <p>24 When distributions are made, is it</p> <p>25 kind of divided pro-rata by the number of</p>

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<p style="text-align: right;">Page 41</p> <p>1 shares owned?</p> <p>2 A. A hundred percent. We're an S Corp., so</p> <p>3 money flows through to the stockholders.</p> <p>4 So what we have to do, what our CPA</p> <p>5 has to do is we have to distribute -- let's</p> <p>6 say -- if you make money in a given year, you</p> <p>7 can't just keep it all in inventory. You</p> <p>8 have to distribute enough -- I believe it's</p> <p>9 in our bylaws that the highest stockholder,</p> <p>10 you have to distribute enough money to cover</p> <p>11 the taxes paid. Otherwise, these people</p> <p>12 would pay taxes on money that they didn't get</p> <p>13 in their hand. It went into inventory.</p> <p>14 That's the way LLCs and S Corps. run.</p> <p>15 You have to be very careful or you</p> <p>16 could upsidetown your employees, that they</p> <p>17 would pay tax on money that -- and really the</p> <p>18 money is sitting as profit in inventory.</p> <p>19 So we've had to always be very</p> <p>20 careful on that and we always -- and we have</p> <p>21 to disburse that money or people could end up</p> <p>22 paying -- it could upsidetown a small person</p> <p>23 that doesn't have money to pay taxes on the</p> <p>24 profit the company made.</p> <p>25 So it's all equally -- whatever --</p>	<p style="text-align: right;">Page 43</p> <p>1 A. Yeah, when -- when we have excess money. I</p> <p>2 don't want to keep money from -- if we made</p> <p>3 money, we disbursed it. Everybody is working</p> <p>4 hard and we would disburse it.</p> <p>5 We -- there were times, I think, we</p> <p>6 would -- at the board we would talk about, as</p> <p>7 our company would grow, leaving this much</p> <p>8 money in the bank so that we could have</p> <p>9 working capital and then also to control our</p> <p>10 inventory, because we used to have millions</p> <p>11 of dollars in paid-for inventory and</p> <p>12 obviously the last three years it's just been</p> <p>13 decimated.</p> <p>14 But, yeah, we would do -- we would</p> <p>15 not keep all the money in a bank account. We</p> <p>16 would disburse it to all the employees as --</p> <p>17 but we would hold back enough so we</p> <p>18 wouldn't -- so we wouldn't -- as we grow.</p> <p>19 We were on growth. We didn't use</p> <p>20 banks, so we don't -- so as we would grow,</p> <p>21 you would disburse enough, say, hey, we have</p> <p>22 enough here for working capital because we</p> <p>23 basically were our own bank.</p> <p>24 Q. And who would make the decision to make the</p> <p>25 disbursement?</p>
<p style="text-align: right;">Page 42</p> <p>1 nobody gets more or less. It depends on how</p> <p>2 much -- your percentage of stock.</p> <p>3 Q. Right. So it's just -- yeah, you have</p> <p>4 1 percent of stock. Then you will get</p> <p>5 1 percent of whatever the disbursement is --</p> <p>6 A. That's correct.</p> <p>7 (Simultaneous indiscernible crosstalk.)</p> <p>8 Q. -- 10 percent, 10 percent. That's right?</p> <p>9 A. That's correct. But you have to disburse</p> <p>10 stock to cover the taxes. That's the minimum</p> <p>11 thing.</p> <p>12 Now, we haven't had to worry about</p> <p>13 that the last couple, three years because</p> <p>14 we've lost hundreds of millions -- or tens of</p> <p>15 millions of dollars.</p> <p>16 So they -- so now you didn't --</p> <p>17 there is no disburse -- you're not required</p> <p>18 to disburse anything because all the</p> <p>19 stockholders got a loss on their K-1s,</p> <p>20 they're called.</p> <p>21 Q. Okay. And outside of disbursements to cover</p> <p>22 taxes or distributions to cover taxes, are</p> <p>23 there any other circumstances historically</p> <p>24 when MyPillow would decide to make a</p> <p>25 distribution to shareholders?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Well, myself and then accounting. I would</p> <p>2 talk -- back then I had a gal that -- she's</p> <p>3 not with us anymore, but we would talk to</p> <p>4 that.</p> <p>5 We would talk to the, um,</p> <p>6 in-house -- maybe the board. We might bring</p> <p>7 it up then, but -- not really with the board.</p> <p>8 It would usually be accounting, myself, the</p> <p>9 executives. We would talk and say, here, we</p> <p>10 can do this much.</p> <p>11 We would have to talk to inventory.</p> <p>12 We would talk to them. How much do we have</p> <p>13 in inventory? And he would make the</p> <p>14 decision, hey, we can make a disbursement</p> <p>15 here and -- it was kind of a group decision.</p> <p>16 Q. Okay. So you would take -- it sounds like</p> <p>17 you would take input from a lot of different</p> <p>18 places. Ultimately, though, the decision</p> <p>19 would be yours?</p> <p>20 A. Yeah. You can't do it -- you can't -- I'm</p> <p>21 the one that has to protect the employees, so</p> <p>22 I have to -- I have to, um -- if I disburse</p> <p>23 too much and then we don't have working</p> <p>24 capital, then you teeter-totter the other</p> <p>25 way, you're in trouble there, that they -- so</p>



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<p style="text-align: right;">Page 45</p> <p>1 it was always a balancing act.</p> <p>2 But when we did -- when we -- it</p> <p>3 always worked. We would talk to different</p> <p>4 things. We would have to weigh it with</p> <p>5 inventory. We would sit down and make the</p> <p>6 decision and -- but the -- that would be</p> <p>7 above and beyond the tax thing we talked</p> <p>8 about, yes.</p> <p>9 Q. Okay. And, to your recollection, the last</p> <p>10 distribution was sometime in 2020; is that</p> <p>11 right?</p> <p>12 A. It could've been '21. I don't know that.</p> <p>13 I'm not going to say on that because I</p> <p>14 know -- I know we -- as we started getting</p> <p>15 attacked and losing retailers, I don't know</p> <p>16 if that's when it stopped.</p> <p>17 I know in -- I know in the last</p> <p>18 couple years we've lost, I think, \$10 million</p> <p>19 on the tax return both years, so I know there</p> <p>20 were no distributions those years.</p> <p>21 I don't know about '21, so I don't</p> <p>22 know. I'm going to say I don't know. It's</p> <p>23 been a long time.</p> <p>24 Q. So I want to move on to the next topic on our</p> <p>25 list here. Julie will put this back up. Do</p>	<p style="text-align: right;">Page 47</p> <p>1 you, but, yeah, we have different</p> <p>2 departments. This guy is, you know, in</p> <p>3 charge of procurement. This one here is, you</p> <p>4 know, our CIO. This is the COO. This is the</p> <p>5 CFO -- or not CFO, C -- yeah, we have -- we</p> <p>6 have them, but we don't have them drawn out</p> <p>7 for you or whatever.</p> <p>8 Q. So they're not -- they're in your head,</p> <p>9 they're not in document form?</p> <p>10 A. That's right. Everybody knows them, I think.</p> <p>11 Down at the factory, you know who's the top</p> <p>12 guy and then it goes down for each</p> <p>13 department. Chief procurement officer, he's</p> <p>14 got like eight people in his department. You</p> <p>15 have the overall manager of the whole -- of</p> <p>16 the whole building, of manufacturing, and</p> <p>17 then you have different, um, managers under</p> <p>18 him and then directors under him, stuff like</p> <p>19 that.</p> <p>20 Q. I want to put up for you now what will be</p> <p>21 Exhibit 725.</p> <p>22 (Deposition Exhibit 725 was marked for identification.)</p> <p>23 BY MR. FREY:</p> <p>24 Q. This is going to be a discovery document from</p> <p>25 this case, which is MyPillow's fourth</p>
<p style="text-align: right;">Page 46</p> <p>1 you see that here in Exhibit 723 topic</p> <p>2 number 3 is MyPillow's employment of the</p> <p>3 following individuals and/or the service of</p> <p>4 the following individuals on the MyPillow</p> <p>5 board of directors, including the years of</p> <p>6 their employment, their roles and</p> <p>7 responsibilities, and the basis for the</p> <p>8 termination of their employment and/or board</p> <p>9 service if they are no longer employed by</p> <p>10 MyPillow or a member of its board?" Do you</p> <p>11 see that?</p> <p>12 A. Yep.</p> <p>13 Q. And did you do anything to prepare yourself</p> <p>14 to testify as to this topic?</p> <p>15 A. No.</p> <p>16 Q. Are you -- do you consider yourself the</p> <p>17 person most knowledgeable at MyPillow to</p> <p>18 testify as to this topic?</p> <p>19 A. One hundred percent, yes.</p> <p>20 Q. And so I'm not going to -- I just want to</p> <p>21 start at a higher level first and ask if</p> <p>22 you're familiar with the term "org chart."</p> <p>23 A. Yep.</p> <p>24 Q. Does MyPillow maintain any org charts?</p> <p>25 A. No. I mean, we -- I could draw it out for</p>	<p style="text-align: right;">Page 48</p> <p>1 supplemental answers and objections to</p> <p>2 plaintiffs' second set of interrogatories.</p> <p>3 Have you -- have you seen this</p> <p>4 document before?</p> <p>5 A. Probably not. If I did, it was a long time</p> <p>6 ago.</p> <p>7 Q. Do you understand what interrogatories are in</p> <p>8 litigation?</p> <p>9 A. Yeah. It's the answers.</p> <p>10 Q. Right. So one party will ask various</p> <p>11 questions and then you provide kind of like a</p> <p>12 formal response in written form, correct?</p> <p>13 A. Okay. Yeah.</p> <p>14 Q. And so I'll represent to you that this was</p> <p>15 one of those responses from MyPillow.</p> <p>16 A. Okay.</p> <p>17 Q. And the question here on page 6 is:</p> <p>18 "Identify all MyPillow executives and members</p> <p>19 of the MyPillow Board of Directors from</p> <p>20 January 1, 2020 to the present." Okay?</p> <p>21 A. Okay.</p> <p>22 Q. And then on the next page, in the second</p> <p>23 supplemental answer, MyPillow identifies the</p> <p>24 following -- the individuals listed here. Do</p> <p>25 you see that?</p>



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<p style="text-align: right;">Page 49</p> <p>1 A. Yep. Yes.</p> <p>2 Q. So it identifies yourself, Michael Lindell,</p> <p>3 as CEO and chairman of the board --</p> <p>4 A. Yep.</p> <p>5 Q. -- right?</p> <p>6 A. Yep.</p> <p>7 Q. And is that -- that's correct, right?</p> <p>8 A. Yep.</p> <p>9 Q. And outside of, I guess, the things we've</p> <p>10 already discussed, what do you consider your</p> <p>11 roles and responsibilities to be as CEO and</p> <p>12 chairman of the board of MyPillow?</p> <p>13 A. Um, making a -- making decisions that a</p> <p>14 normal CEO would make, I guess. You're</p> <p>15 overseeing the whole company, each</p> <p>16 department, and -- I don't know. That's --</p> <p>17 making decisions to make the -- that the</p> <p>18 company will -- for each -- each -- you're</p> <p>19 basically -- for me, it's a little bit of</p> <p>20 micromanaging and then the macromanaging</p> <p>21 overall. I've got good people working for me</p> <p>22 now. Like I say, we run it off deviations</p> <p>23 and blocks.</p> <p>24 Q. And are you compensated in W-2 wages for your</p> <p>25 services, CEO of MyPillow?</p>	<p style="text-align: right;">Page 51</p> <p>1 with basically every department, kind of</p> <p>2 like -- and he will bring me, you know,</p> <p>3 problems that he sees that are maybe bigger</p> <p>4 than a day-to-day problem. He tries to solve</p> <p>5 a lot of the day-to-day problems where I</p> <p>6 don't -- where I don't need to be involved,</p> <p>7 so...</p> <p>8 Q. Okay. And is Darren Lindell compensated for</p> <p>9 serving as the COO of MyPillow?</p> <p>10 A. Yeah. Yes.</p> <p>11 Q. And do you have an estimate as to how much</p> <p>12 he's compensated?</p> <p>13 A. I don't know. Maybe 3,000 a week. I don't</p> <p>14 know. I don't know.</p> <p>15 Q. The next individual listed here is Jim</p> <p>16 Furlong, president/board member. Do you see</p> <p>17 that?</p> <p>18 A. Yep.</p> <p>19 Q. And is -- Mr. Furlong is no longer president,</p> <p>20 correct?</p> <p>21 A. That's correct.</p> <p>22 Q. When he was -- when he was president, what</p> <p>23 were Mr. Furlong's responsibilities?</p> <p>24 A. He was mostly running our show department,</p> <p>25 helping with our show department, and our</p>
<p style="text-align: right;">Page 50</p> <p>1 A. Yeah. Yes.</p> <p>2 Q. How much are you compensated?</p> <p>3 A. Um, I don't -- to be honest with you, I don't</p> <p>4 know. I know it went up because they put a</p> <p>5 keyman insurance policy if something happened</p> <p>6 to me and that got added in there.</p> <p>7 So I don't know. It could be -- I</p> <p>8 want to say 30,000 a week, maybe 20,000. I</p> <p>9 don't know. The short answer is I don't</p> <p>10 know.</p> <p>11 Q. Okay. But maybe 20 to 30 thousand a week?</p> <p>12 A. Right.</p> <p>13 Q. And the next person listed here is Darren</p> <p>14 Lindell as COO, which is chief operating</p> <p>15 officer, correct?</p> <p>16 A. Correct. Correct.</p> <p>17 Q. And what are Darren Lindell's</p> <p>18 responsibilities as the COO of MyPillow?</p> <p>19 A. He watches mostly the production. You know,</p> <p>20 if he -- the day that you -- we have so many</p> <p>21 different departments. So he's working with</p> <p>22 them, like our call center, our manufacturing</p> <p>23 plant. You know, he will look at -- he's</p> <p>24 more into that, like we're -- not so much</p> <p>25 the -- well, he does that, too. He will work</p>	<p style="text-align: right;">Page 52</p> <p>1 show department that -- which was, like I</p> <p>2 said before, 95 to 100 individuals that did</p> <p>3 home shows and fairs across the country,</p> <p>4 including Costco shows, and it was --</p> <p>5 basically he was in charge with that show</p> <p>6 department. He actually did shows himself,</p> <p>7 too, and he -- but that all went away when we</p> <p>8 got cancelled in January of '21.</p> <p>9 Q. And was Mr. Furlong compensated through W-2</p> <p>10 wages for serving as the president of</p> <p>11 MyPillow?</p> <p>12 A. Yeah. I think it was 1,500 or 2,000 a week.</p> <p>13 Q. The next person listed here is Brad Carlson,</p> <p>14 chief business development officer. Do you</p> <p>15 see that?</p> <p>16 A. Yep.</p> <p>17 Q. And is Mr. Carlson the chief business</p> <p>18 development officer today?</p> <p>19 A. No. He's -- he's gone.</p> <p>20 Q. Was he --</p> <p>21 A. He got -- he got let go because we lost all</p> <p>22 of our retail stores and because we -- we</p> <p>23 had, you know, big layoffs with -- the last</p> <p>24 couple of years with the decimation of</p> <p>25 MyPillow.</p>

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<p>1 So Brad Carlson got let go earlier</p> <p>2 this year. We just didn't have work for him</p> <p>3 because of the cancellations by all the</p> <p>4 retailers in January of '21.</p> <p>5 Q. And what was Mr. Carlson's -- what were his</p> <p>6 responsibilities when he was chief business</p> <p>7 development officer?</p> <p>8 A. He just worked -- just working with</p> <p>9 retailers. Almost 99 percent of his job was</p> <p>10 working with different retailers, from</p> <p>11 Wal-Mart, to Costco, to Bed Bath &amp; Beyond,</p> <p>12 different ones, trying to get -- we would</p> <p>13 get -- we had every box store, I guess, and</p> <p>14 once you bring in new products, you do</p> <p>15 different things. That's what Brad did.</p> <p>16 Q. The next person --</p> <p>17 A. We tried -- we tried to keep him on as long</p> <p>18 as we could, but it was -- that's one of the</p> <p>19 sad parts of all this.</p> <p>20 Go ahead.</p> <p>21 Q. Okay. The next person listed is Jessica</p> <p>22 Maskovich as chief marketing officer and</p> <p>23 board member. Do you see that?</p> <p>24 A. Yep.</p> <p>25 Q. Is Ms. Maskovich MyPillow's chief marketing</p>	<p>1 more -- you know, we were -- we were busier</p> <p>2 then, so she was -- it was almost every week</p> <p>3 that we -- you know, she was doing stuff all</p> <p>4 the time. It was mostly with the</p> <p>5 commercials, but there was a lot more.</p> <p>6 And before we got -- before we lost</p> <p>7 all our business starting in January of '21,</p> <p>8 she just -- she's another one that we just</p> <p>9 lost. Her role was the same. It just got</p> <p>10 diminished because of the attacks on MyPillow</p> <p>11 and all the business that's been lost.</p> <p>12 Q. The next person listed is Todd Carter, board</p> <p>13 member. Do you see that?</p> <p>14 A. Yep.</p> <p>15 Q. And is it -- is Mr. Carter also MyPillow's</p> <p>16 chief technology officer?</p> <p>17 A. He's the CTO, yep. Yep.</p> <p>18 Q. Okay. And is -- was he the CTO kind of from</p> <p>19 the time period 2020 through present?</p> <p>20 A. I don't know if he had that title, but, yeah,</p> <p>21 he's -- yeah, he's the technology on --</p> <p>22 technology, so if a website breaks or</p> <p>23 whatever, you know, stuff like that, you</p> <p>24 know.</p> <p>25 Q. So in addition to, you know, maintaining the</p>
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<p>1 officer today?</p> <p>2 A. Yeah, that's her title, I guess. Yep.</p> <p>3 Q. What are Ms. Maskovich's responsibilities as</p> <p>4 chief marketing officer?</p> <p>5 A. All she does right now is when we need a</p> <p>6 commercial made, she makes the commercials</p> <p>7 and she -- she's basically -- if I have a</p> <p>8 commercial to be made, she'll put it together</p> <p>9 and then she's only paid for the time she</p> <p>10 puts in. She -- that's her salary.</p> <p>11 It's not a salary. It's an hourly</p> <p>12 wage when we do have a commercial that needs</p> <p>13 to be made, which is maybe -- right now maybe</p> <p>14 once every two months or three months. It</p> <p>15 takes about a week or two weeks for her to</p> <p>16 put it together.</p> <p>17 Q. And was Ms. Maskovich also the chief</p> <p>18 marketing officer back in the 2020-2021 time</p> <p>19 period?</p> <p>20 A. Yes. She had more responsibilities then</p> <p>21 because we lost all our business since then.</p> <p>22 Q. Right. So I was going to ask: What were her</p> <p>23 responsibilities in, you know, 2021?</p> <p>24 A. We would make more commercials. She would</p> <p>25 do -- we had more mailers going out. We had</p>	<p>1 website or troubleshooting the website, does</p> <p>2 Mr. Carter have any other responsibilities as</p> <p>3 the chief technology officer of MyPillow?</p> <p>4 A. No. Website, the technology. So if we</p> <p>5 have -- we have another system called</p> <p>6 Annaware. If anything is down, I mean,</p> <p>7 he's -- there's things that I don't</p> <p>8 understand. You've got like rack space and</p> <p>9 all these different companies that are -- the</p> <p>10 tech companies, he has to deal with them. If</p> <p>11 there's problems, he is a troubleshooter, I</p> <p>12 guess, and he will get the right people on</p> <p>13 it. Mostly our -- it's mostly our big</p> <p>14 engine, the website and the call center.</p> <p>15 Q. The next person listed is Jennifer Duneman.</p> <p>16 She's listed is a board member; is that</p> <p>17 right? Duneman?</p> <p>18 A. Yep. Yep.</p> <p>19 Q. And is Ms. Duneman still a board member</p> <p>20 today?</p> <p>21 A. She's a board member, but she doesn't work</p> <p>22 for the company. She lost her job, too,</p> <p>23 because of the 2021 -- January of '21 when</p> <p>24 they took away all the shows. She was in</p> <p>25 that department, too, in the show department.</p>

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<p style="text-align: right;">Page 57</p> <p>1 She was one that lost her job back then.</p> <p>2 Q. And when you say "the show department," is</p> <p>3 that kind of like the live demo shows or are</p> <p>4 you talking about --</p> <p>5 A. I'm talking about state fairs.</p> <p>6 Costco alone -- when Costco</p> <p>7 cancelled us, Costco alone was -- we had</p> <p>8 shows -- every show -- you do like an 11-day</p> <p>9 show. You bring your products there.</p> <p>10 Like a state fair, if you've ever</p> <p>11 been to a booth at a state fair or a home and</p> <p>12 garden show, we were -- we had a massive --</p> <p>13 every state -- every fair that went on in</p> <p>14 every state, every county fair; home shows.</p> <p>15 Like I said, Costco, you would go</p> <p>16 there and you would be there for 11 days</p> <p>17 selling MyPillows and physically selling them</p> <p>18 at the booth.</p> <p>19 And that's what she -- she managed</p> <p>20 that department and, um, that all went away</p> <p>21 when Costco did their cancellation. That was</p> <p>22 kind of the last -- we couldn't -- so a lot</p> <p>23 of people that lost their jobs. She was one</p> <p>24 of them.</p> <p>25 Q. And then Doug Wardlow, board member. Do you</p>	<p style="text-align: right;">Page 59</p> <p>1 Springer left.</p> <p>2 And Joe -- so we lost him, too,</p> <p>3 because of the -- he was afraid -- I think he</p> <p>4 was afraid MyPillow was going to go under</p> <p>5 because of all the attacks in January of '21.</p> <p>6 And he was also a stockholder, Joe Springer,</p> <p>7 and he wanted out, you know.</p> <p>8 Q. Did Mr. Springer share with you the reasons</p> <p>9 why he -- why he left?</p> <p>10 A. Um, no, but he did with other people. He --</p> <p>11 you know, I think he did with other people.</p> <p>12 He just didn't think -- he thought MyPillow</p> <p>13 was going to go under. He was very afraid of</p> <p>14 going under, and I don't think he wanted to</p> <p>15 be part of that.</p> <p>16 Q. So then after Mr. Springer left, Mr. Wardlow</p> <p>17 became general counsel, right?</p> <p>18 A. I believe that -- yep, that was the timing.</p> <p>19 Yep, that's correct. And it was January of</p> <p>20 '21 when the attacks all started. Yep.</p> <p>21 Q. And you -- I believe you said --</p> <p>22 (Simultaneous indiscernible crosstalk.)</p> <p>23 A. I've got about -- go ahead.</p> <p>24 Q. You said Mr. -- when Mr. Springer left, it</p> <p>25 sounded like perhaps he left with other</p>
<p style="text-align: right;">Page 58</p> <p>1 see that?</p> <p>2 A. Yep.</p> <p>3 Q. Is he also MyPillow's general counsel, did</p> <p>4 you say?</p> <p>5 A. Yes. One of them. One of them, correct.</p> <p>6 Yep.</p> <p>7 Q. What are Mr. Wardlow's responsibilities as</p> <p>8 general counsel?</p> <p>9 A. Trying to manage any -- any law things that</p> <p>10 come in, such as this thing we're on the</p> <p>11 phone with. He hears about this stuff. I</p> <p>12 mean such that -- we're on this deposition</p> <p>13 for. Anything that would come in as any</p> <p>14 legal things. What a general counsel does.</p> <p>15 You know, you run contracts by. Used to be</p> <p>16 pretty easy when you just run by retailers;</p> <p>17 here is a contract for a retailer or</p> <p>18 whatever. Or if there would be any law</p> <p>19 issues that come up. Just what a normal</p> <p>20 counsel would do, I guess.</p> <p>21 Q. And was he also the general counsel in the</p> <p>22 2020 through 2022 time period?</p> <p>23 A. No. That was Joe Springer in 2020. Joe</p> <p>24 Springer left us going into '21. With</p> <p>25 everything that was going on in '21, Joe</p>	<p style="text-align: right;">Page 60</p> <p>1 people as well. Did other people resign from</p> <p>2 MyPillow in the early part of 2021?</p> <p>3 A. No. Nobody -- nobody quit other than --</p> <p>4 other than Joe that I know of. A board</p> <p>5 member left, a guy named -- I've got to think</p> <p>6 of his name. Bob Roepke left our board in</p> <p>7 January '21. That's the only ones I know of.</p> <p>8 Q. And why did Mr. Roepke resign from the board?</p> <p>9 A. You'd have to ask him. I don't know. I</p> <p>10 believe he -- he was my mayor. I grew up in</p> <p>11 the same town with him. I've known him all</p> <p>12 my life.</p> <p>13 So I'm -- I think he was afraid of</p> <p>14 the attacks on MyPillow. That's what I</p> <p>15 believe. He didn't want to be -- because</p> <p>16 MyPillow was just getting attacked and</p> <p>17 cancelled and everything then in January '21,</p> <p>18 and I think he didn't want any part of it.</p> <p>19 He just -- felt bad for the company, but --</p> <p>20 and -- you know, you'd have to ask Bob.</p> <p>21 Q. Did he ever --</p> <p>22 A. You guys --</p> <p>23 (Simultaneous indiscernible crosstalk)</p> <p>24 Q. I'm sorry.</p> <p>25 A. No, I never talked to them -- I never talked</p>

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<p style="text-align: right;">Page 61</p> <p>1 to him since. I didn't -- I don't know. I</p> <p>2 didn't talk to him back then about why he</p> <p>3 left.</p> <p>4 Q. The other individuals listed here are Thom</p> <p>5 Clapp, a board member. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Does Mr. Clapp also serve as an officer of</p> <p>8 the company or is he just a board member?</p> <p>9 A. No. He has lost his job, too. He's gone.</p> <p>10 He's gone.</p> <p>11 Q. What was --</p> <p>12 A. He lost his job.</p> <p>13 Q. What was his position?</p> <p>14 A. He was -- he was basically working in</p> <p>15 philanthropy part about MyPillow. Like if</p> <p>16 people called every day and they wanted help</p> <p>17 like in shelters or whatever, he would sort</p> <p>18 through them. He would help with people</p> <p>19 in -- you know, that maybe are -- anybody</p> <p>20 that needed help out there, if there were</p> <p>21 hurricane victims or whatever, Thom -- that</p> <p>22 was Thom's department.</p> <p>23 And we were attacked so much that</p> <p>24 we -- we didn't have -- we didn't have the</p> <p>25 resource to give. I think the last time we</p>	<p style="text-align: right;">Page 63</p> <p>1 interrogatory responses.</p> <p>2 A. Yep.</p> <p>3 Q. And I think we had covered all of the</p> <p>4 individuals there that were listed, and I</p> <p>5 didn't see on there a chief financial</p> <p>6 officer. Does MyPillow have a chief</p> <p>7 financial officer?</p> <p>8 A. No. We called it a -- oh, my gosh, now I</p> <p>9 forget the name. Um, um, controller. We had</p> <p>10 a controller back then. He's no longer with</p> <p>11 us, a controller. We've had different ones.</p> <p>12 We had -- I forget what Mark's last</p> <p>13 name was. He was our controller back then.</p> <p>14 He left, like I say, when we started losing</p> <p>15 millions of dollars. He left for another</p> <p>16 company. I don't know if he left out of fear</p> <p>17 that we wouldn't be around, he wouldn't have</p> <p>18 a job.</p> <p>19 And then we got another person.</p> <p>20 He's gone. We've had four different</p> <p>21 controllers since -- four or five since 2020,</p> <p>22 since all this happened in January of '21.</p> <p>23 Q. Do you have a current -- so there is no</p> <p>24 current controller?</p> <p>25 A. No. No. We -- we can't afford to hire</p>
<p style="text-align: right;">Page 62</p> <p>1 gave stuff was in September of '22 when we</p> <p>2 gave all the pillows to the hurricane victims</p> <p>3 in Florida. That's the last time MyPillow</p> <p>4 even had the resources to be able to do</p> <p>5 anything.</p> <p>6 So Thom didn't have really much to</p> <p>7 do anymore and I didn't -- he didn't really</p> <p>8 want to be around saying no to everybody,</p> <p>9 sorry, we can't do it because we've been</p> <p>10 attacked so bad and we don't have the</p> <p>11 resources to do it anymore.</p> <p>12 THE WITNESS: You guys, I've got to</p> <p>13 take that break. You guys, I've got to take</p> <p>14 that break now, if I could.</p> <p>15 (Simultaneous indiscernible crosstalk)</p> <p>16 MR. FREY: Yes, absolutely.</p> <p>17 THE VIDEOGRAPHER: We are going off</p> <p>18 the record at 10:46 a.m.</p> <p>19 (A recess was taken.)</p> <p>20 THE VIDEOGRAPHER: We are back on</p> <p>21 the record at 11:02 a.m.</p> <p>22 BY MR. FREY:</p> <p>23 Q. Okay, Mr. Lindell. We just took a little</p> <p>24 break, but we're back on and we were talking</p> <p>25 about the officers of MyPillow, looking at</p>	<p style="text-align: right;">Page 64</p> <p>1 anyone right now. That's -- the call I was</p> <p>2 on was -- every day we try to make it to the</p> <p>3 next day.</p> <p>4 Q. Okay. And then I just want to go briefly to</p> <p>5 the next interrogatory there here on the --</p> <p>6 the document on the screen.</p> <p>7 A. Yep.</p> <p>8 Q. It says, "Identify Lindell's positions or</p> <p>9 roles at MyPillow from January 1, 2018 to the</p> <p>10 present. For each position or role, state</p> <p>11 Lindell's corresponding responsibilities."</p> <p>12 Do you see that?</p> <p>13 A. Yep.</p> <p>14 Q. And then the supplemental answer says, "As</p> <p>15 chairman of the board, Mike Lindell presides</p> <p>16 at meetings of the board. As chief executive</p> <p>17 officer, Mike Lindell oversees the strategic</p> <p>18 direction of the company, proposes plans and</p> <p>19 changes, manages and directs marketing,</p> <p>20 manages and interacts with the executive</p> <p>21 leadership of the company, maintains</p> <p>22 communications with the board, monitors</p> <p>23 company performance, and manages all aspects</p> <p>24 of the company and its operations."</p> <p>25 Do you see that?</p>



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<p style="text-align: right;">Page 65</p> <p>1 A. Uh-huh. Yes.</p> <p>2 Q. Is that response accurate?</p> <p>3 A. Um, I guess, yeah.</p> <p>4 Q. And does that description also accurately</p> <p>5 reflect what your roles and responsibilities</p> <p>6 were in late 2020 and in 2021?</p> <p>7 A. Yes.</p> <p>8 Q. So this says, right, that you manage and</p> <p>9 direct MyPillow's marketing?</p> <p>10 A. Yes.</p> <p>11 Q. And so if MyPillow decided to advertise on a</p> <p>12 particular platform or in a particular</p> <p>13 manner, it was your decision to place those</p> <p>14 advertisements or such advertisements?</p> <p>15 A. Not necessarily. There's different</p> <p>16 departments that would do it and they would</p> <p>17 bring it before me. I'd say go ahead. I</p> <p>18 mean, that's -- um, you know, I guess they're</p> <p>19 out there recruiting. Like I say, we have</p> <p>20 recruiting for different ads and people call</p> <p>21 us and want to advertise and they would run</p> <p>22 it by me, I guess, for the majority if it's,</p> <p>23 you know -- that's a yes.</p> <p>24 Q. Similarly, if --</p> <p>25 A. You're talking about -- you're talking</p>	<p style="text-align: right;">Page 67</p> <p>1 bus, like a billboard.</p> <p>2 That was -- the one you're talking</p> <p>3 about was -- I believe that was -- we paid, I</p> <p>4 think, 50 grand up till December of '14 --</p> <p>5 December 14th of 2020 and it was an ad on a</p> <p>6 bus that went across the country, I guess.</p> <p>7 And just like any other ads we</p> <p>8 bought, that was a -- that was 50,000. It</p> <p>9 was a bus and that -- we did not re-up that</p> <p>10 because it did not produce an ROI. The sales</p> <p>11 were very dismal compared to other things we</p> <p>12 did with billboards.</p> <p>13 And ads on -- we've done ads before</p> <p>14 on trucks and trailers, all kinds of stuff,</p> <p>15 semis that we bought ads on. So that was</p> <p>16 very similar, but that one did not produce</p> <p>17 the sales it should have.</p> <p>18 Q. And would you be able to track the sales that</p> <p>19 related to that advertisement on the bus?</p> <p>20 A. If there was a promo code on there, which</p> <p>21 there should have been. If -- then yeah, but</p> <p>22 I don't -- I know it wasn't performing</p> <p>23 because we didn't up. I remember they wanted</p> <p>24 us to re-up the ad for another two months or</p> <p>25 another month at least or something, and I --</p>
<p style="text-align: right;">Page 66</p> <p>1 about -- you're talking about two months that</p> <p>2 were anomalies in history where I was very</p> <p>3 much distracted. So if there was any --</p> <p>4 there might have been other decisions made</p> <p>5 then that I didn't hear about, but for the</p> <p>6 most part, I would probably hear about them.</p> <p>7 Q. How about sponsorship of events? If MyPillow</p> <p>8 sponsors a particular event, do you give</p> <p>9 approval to that sponsorship?</p> <p>10 A. We don't -- we don't usually sponsor events</p> <p>11 unless it's a charity or whatever or if it</p> <p>12 would be like a -- it would have to be</p> <p>13 advertising. When you're talking about</p> <p>14 advertising, if you're talking about, um --</p> <p>15 what are you talking about, sponsorship or</p> <p>16 advertising? Which? Will you specify what</p> <p>17 you're saying?</p> <p>18 Q. Sure. Sponsoring an event would -- an</p> <p>19 example, I guess, would be the March for</p> <p>20 Trump tour, right, that MyPillow sponsored</p> <p>21 in --</p> <p>22 A. No, we didn't sponsor that. We bought an ad</p> <p>23 on a bus. That was an ad on a bus, and</p> <p>24 whoever did -- I wasn't even part of the</p> <p>25 designing of the ad. That was an ad on a</p>	<p style="text-align: right;">Page 68</p> <p>1 and the decision was made -- brought it to me</p> <p>2 and I said, Absolutely not. I said, I will</p> <p>3 not -- I'm not going to -- you know, that's</p> <p>4 branding and it didn't pay, so I did not</p> <p>5 re-up it.</p> <p>6 Q. And, again, that's --</p> <p>7 A. I told them -- I told them -- I told them not</p> <p>8 to re-up it. You know, it's just like any</p> <p>9 other ad they would call me on. I would say,</p> <p>10 No, it's not worth the money. We couldn't --</p> <p>11 maybe -- either the sales were low or it just</p> <p>12 didn't pay. That's all.</p> <p>13 Q. Would you consider yourself the primary</p> <p>14 spokesperson for MyPillow?</p> <p>15 A. Um, the spokes -- the primary spokesperson?</p> <p>16 I don't know what you mean by that. I'm in</p> <p>17 the commercials. I'm in the commercials, you</p> <p>18 know. I guess I'm the brand. I can be the</p> <p>19 brand. I'm in the commercials. I'm in all</p> <p>20 the commercials made. We made a few, I</p> <p>21 guess, without me in there, but for the most</p> <p>22 part, yeah, I'm in the commercials. I</p> <p>23 don't -- I don't -- if I do a read on a show,</p> <p>24 yes, I'm usually the one that does it. We've</p> <p>25 had -- we've had, um --</p>



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<p style="text-align: right;">Page 69</p> <p>1 Q. Who -- have you had -- have any other 2 MyPillow employees, officers, board members 3 ever done, you know, public promotions or 4 advertisements on behalf of MyPillow? 5 A. Not -- not board members, but I have people 6 doing commercials. They have -- we've had 7 different people doing commercials for 8 MyPillow and we've had -- absolutely. But 9 not board members, I guess, that I know of. 10 Well, I take that back. I guess 11 Jim Furlong, and I think they might have 12 been -- or Thom Clapp, I think, was in one. 13 Different people have done, I guess, 14 different spots in commercials or -- Jim -- 15 you know, when you have shows, you have many, 16 many spokesmen because they are the talk -- 17 they're the salesman, they're the spokesmen 18 for MyPillow. 19 So we probably had upwards of a 20 hundred people, I guess, maybe more, that 21 have been, when you talk about it like that, 22 that are a spokesman for MyPillow, a 23 representative at all the shows. 24 We've done -- I guess that's true. 25 We've done newspaper ads where they've spoke</p>	<p style="text-align: right;">Page 71</p> <p>1 company is like to work for and how we help 2 people in addiction and help people -- we're 3 a faith-based company with Jesus Christ. 4 We've had different spokesmen out 5 there. I can think of one, Melissa Huray. 6 She is still out there. She does a whole 7 show talking about MyPillow. 8 We've had different people on radio 9 shows that represent MyPillow where they go 10 on and talk about -- and then we tell about 11 the specials or they might even tell about 12 the culture at MyPillow where -- like I say, 13 we're a company of second chance. We have 14 people that work for us that come out of the 15 Salvation Army and Teen Challenge. 16 And we've been on many, many, many 17 talk shows and stuff about that, where it's 18 not me, it's other people representing 19 MyPillow that have maybe been saved or found 20 the Lord or they got out of addiction. 21 So, I mean, I guess that's very 22 broad, what you're saying there. For myself, 23 I'm in the majority of the commercials, 24 though, if you are talking commercials. 25 Q. How about in public appearances? Is it fair</p>
<p style="text-align: right;">Page 70</p> <p>1 out. They've, um -- I guess there's been 2 many, many. It depends where you want to 3 draw the line. 4 Q. Let me -- let me rephrase it this way, I 5 guess, then: Would you -- do you consider 6 one of your roles and responsibilities to be 7 a spokesperson for MyPillow? 8 A. When you say "a spokesman," I'm talking 9 about, yeah, I feel a responsibility to do -- 10 when I do commercials, most of them I'm in. 11 We had to make one for -- we had to 12 make ones for different things where we've 13 had -- where I haven't been in there, but 14 then I've had some with my -- my other son 15 has been in them. 16 You know, um, if you're on radio 17 shows, there's been different people, not 18 just me, that have done the radio shows for 19 MyPillow where you've been on a show and they 20 talk about, you know, the -- they talk about 21 the company, maybe the company's -- when we 22 used to do -- or not when we used to do. 23 When we would be on radio and TV 24 shows, there were many spokesmen that would 25 go on there and say about the -- what the</p>	<p style="text-align: right;">Page 72</p> <p>1 to say that you often introduce yourself as 2 the CEO of MyPillow? 3 A. I don't -- I -- I don't introduce -- I 4 don't -- I say, Hello, this is Mike Lindell, 5 and I used to say when I -- I just stopped 6 with the inventor of MyPillow. 7 In fact, I didn't like the word 8 "founder" when people say -- because I say 9 we're not made in China or whatever. I 10 didn't find MyPillow. I invented MyPillow. 11 That was my whole theme. Hello, I'm Mike 12 Lindell, the inventor of MyPillow. 13 I wasn't, you know -- and now I 14 don't -- now -- if people introduce me now, 15 they'll say the -- you know, they don't 16 say -- they'll say "founder," like you guys 17 did or whatever. 18 They would still -- you know, it's 19 more powerful that you invented a product and 20 you built something with the American dream 21 than the other way, so... 22 Q. Okay. So -- so I apologize for the word 23 "founding." So you would introduce yourself 24 as the inventor of MyPillow, right? 25 A. Yeah, the inventor of MyPillow. That was my</p>

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<p style="text-align: right;">Page 73</p> <p>1 whole thing.</p> <p>2 When I go on places now, they --</p> <p>3 now they don't say -- you know, if I go on</p> <p>4 things now, they don't even bring it up. I</p> <p>5 mean, people -- I've done the commercial,</p> <p>6 I've been on TV for MyPillow millions and</p> <p>7 millions of times.</p> <p>8 Up until 2016 or '17, it was</p> <p>9 like -- just at that point, because I threw</p> <p>10 out the first pitch for the Minnesota Twins</p> <p>11 and they had counted with commercials over</p> <p>12 3 million times.</p> <p>13 So, you know, I think people know</p> <p>14 that I'm the inventor of MyPillow, you know.</p> <p>15 Q. Uh-huh. And also the CEO of MyPillow, right?</p> <p>16 A. I don't -- I don't know what they -- if</p> <p>17 they -- if people -- if you ask people out</p> <p>18 there, I don't know if they would know that.</p> <p>19 They would know I'm the -- I don't know if</p> <p>20 they would know my title, you know.</p> <p>21 Q. Is -- is one of your responsibilities as</p> <p>22 the -- as the CEO of MyPillow to generate</p> <p>23 awareness of the company?</p> <p>24 A. No. My responsibility is all of our stuff --</p> <p>25 all of our stuff is individually tracked,</p>	<p style="text-align: right;">Page 75</p> <p>1 much short-form media you buy.</p> <p>2 When we were -- because we tracked</p> <p>3 it all individually, we made that a success</p> <p>4 where no other -- no other companies could do</p> <p>5 that in the United States, anyway, where</p> <p>6 the -- when I say that, like in 2011, when we</p> <p>7 did our first infomercial, we made it so if</p> <p>8 you track each thing individually, whether</p> <p>9 it's in the middle of the night on CNN or,</p> <p>10 like I said before, prime time on ABC or CBS,</p> <p>11 whatever it is, we made that work.</p> <p>12 So if you paid too much, you</p> <p>13 wouldn't run the ad. I'm not going to run an</p> <p>14 ad if it doesn't produce. You either break</p> <p>15 even or make a little bit. So by doing that,</p> <p>16 we were able to make a success.</p> <p>17 Other people that advertise on TV,</p> <p>18 they're just branding. I can't afford to</p> <p>19 brand. People would advertise like we did.</p> <p>20 The products that have made it in the United</p> <p>21 States are almost all MyPillow, MyPillow,</p> <p>22 MyMattress Topper, MyTowels, MySlippers</p> <p>23 and -- you know, there's like four or five.</p> <p>24 Other things don't last that long</p> <p>25 on TV because they're paying too much or they</p>
<p style="text-align: right;">Page 74</p> <p>1 going back to 2010, by promo codes. We did</p> <p>2 fairs -- home show and fairs.</p> <p>3 And the history is when we first</p> <p>4 did print -- every single thing we do, what</p> <p>5 if that was your only show. So whatever you</p> <p>6 pay for it, whatever you pay, here's what you</p> <p>7 get back. You know, here's your return on</p> <p>8 your investment. That's your offer of the</p> <p>9 product, how much you pay for the ad.</p> <p>10 We've never branded. So what</p> <p>11 you're talking about, is it branded. I can</p> <p>12 sit there today and go, um, hey, we're</p> <p>13 sponsored by MyPillow. You're not going to</p> <p>14 sell anything, zero. People don't buy stuff</p> <p>15 based on a brand. They -- it's a call to</p> <p>16 action in an ad, whether it's print, radio or</p> <p>17 TV or an email blast, whatever it is, or our</p> <p>18 direct mailer.</p> <p>19 Everything we track individually,</p> <p>20 and if it doesn't work, if you pay too much</p> <p>21 for it -- I did this for Major League</p> <p>22 Baseball. I did -- it's about here's your</p> <p>23 product. Here's your -- you know, back then</p> <p>24 we bought so much short form, and that's what</p> <p>25 the box stores all go by, how much you -- how</p>	<p style="text-align: right;">Page 76</p> <p>1 don't understand that that -- it might not</p> <p>2 work in that spot or on this -- on CNN and</p> <p>3 prime time because they want too much money</p> <p>4 or they -- but it might work in the middle of</p> <p>5 the night or on Fox at this time or whatever</p> <p>6 it is.</p> <p>7 So we -- you know, we don't brand.</p> <p>8 When you say -- when you say awareness,</p> <p>9 that's a -- we made our awareness because we</p> <p>10 made our marketing work where it was direct</p> <p>11 to consumer.</p> <p>12 Even when I did the Minnesota</p> <p>13 Twins, the Major League Baseball, we tracked</p> <p>14 everything via promo code. We did it in 2015</p> <p>15 or '16. So even the announcer was a separate</p> <p>16 promo code, the pop-up in left field behind</p> <p>17 homeplate, and another one. There's five</p> <p>18 different things and I tracked it for Major</p> <p>19 League Baseball, each one, and we found out,</p> <p>20 hey, these are -- behind homeplate is not</p> <p>21 good because you pay too much for it.</p> <p>22 So I bought their other products</p> <p>23 and we made a deal, and then all of Major</p> <p>24 League Baseball followed suit. They reached</p> <p>25 out to MyPillow and go, Hey, will you buy</p>

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<p style="text-align: right;">Page 77</p> <p>1 these ads? And I said, Yeah, you guys are 2 overpriced on the one behind homeplate. 3 So it's just recognized a different 4 kind of marketing where we don't have to -- I 5 don't brand. That's the bottom line. What 6 you are talking about is awareness for a 7 brand. You can do all the awareness you 8 want, but by the time you get that, you're 9 done. You would be under. 10 I built my brand based on 2012 when 11 we weren't tracking anything. In 2012 we 12 took in \$100 million over six months and we 13 were -- I was 6 million in debt because 14 nothing was tracked right by these companies. 15 They didn't know what they were doing. 16 So I pulled it all in-house and 17 started tracking each thing, like what if I 18 had to live on just the -- just this one 19 show, like I did many times when I went show 20 to show for years by myself going show to 21 show, what if I had -- you would make 22 everything you could right for that moment in 23 time, and that's what I did for every radio 24 station, every newspaper in this country. 25 When I did newspaper, we're the</p>	<p style="text-align: right;">Page 79</p> <p>1 that -- beginning of the virus. 2 And so I was able to recognize the 3 people's change in behavior, what they were 4 going to do because I wasn't going to buy ads 5 on radio then to brand. I would buy ads -- 6 they were charging too much because nobody 7 was driving in their car listening, or like 8 on TV, though -- everybody was watching TV. 9 And everybody else was afraid to 10 brand. Well, I wasn't branding. I was 11 buying a direct ad for a lower price and I 12 was able to get that for a price, like, three 13 times lower than normal. 14 And we're direct sales and -- 15 direct sales, so it's what -- I mean, we went 16 up. That was our biggest increase ever, was 17 because we were tracking each thing 18 individually. 19 We were even able to buy TV 20 stations that we -- that normally were too 21 high a price that we could never buy, we were 22 able to buy them during that time. 23 Q. So fair to say, then, you track -- you 24 tracked your ads with promo codes in real 25 time and you tracked --</p>
<p style="text-align: right;">Page 78</p> <p>1 number-one print ad in history in the United 2 States in every single ad, because we made -- 3 if it didn't work, we paid too much, we 4 wouldn't buy it. They were called remnant 5 ads. 6 So I would change the creative and 7 make it work. I didn't just put "MyPillow," 8 "buy MyPillow." You know, they -- that's not 9 the way it works in good advertising. 10 So we've kind of got a -- our way 11 we do things is very unique and it's worked 12 since 2010 when I first did print, and then I 13 first did radio with Don Imus and I learned 14 then. 15 And, you know, it's how much you 16 pay and how much you get back in real time. 17 It's not like -- we're not like Coca-Cola or 18 Chevrolet or Nike and all these places. 19 That's why -- that's why MyPillow 20 did so well when -- when the virus first came 21 in, people quit watching radio, so I pulled 22 ads off radio. They were watching TV. And 23 everybody else was afraid to brand then, but 24 I was doing direct marketing and that's when 25 our sales went way up, the beginning of</p>	<p style="text-align: right;">Page 80</p> <p>1 A. And 1-8 -- and 1-800 numbers. Remember, I 2 built my own call center. So every promo 3 code has its own 1-800 number, too, so that 4 we can -- we get all the tracking. So if it 5 doesn't make its number, you don't run it 6 again or you've got to change your -- what 7 you pay for it. 8 Just because -- I'll give you an 9 example. Major League Baseball behind 10 homeplate, when you buy things à la carte, 11 that was the worst place for anybody to buy 12 because they charge too much for it, for what 13 you get back. 14 People have come to MyPillow -- the 15 way I market stuff, even back then, they have 16 come to me for expertise. Companies that 17 have copied that, they're making it because 18 now they know where their best advertising 19 for their buck is versus advertising here and 20 it's not paying off, and they don't even know 21 if it is or not when you brand. 22 Q. Mr. Lindell, let me just finish my question 23 here, if you will, please. 24 A. Okay. 25 Q. So you track your ads via promo codes and the</p>

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<p style="text-align: right;">Page 81</p> <p>1 1-800 numbers, you see when it's doing well,</p> <p>2 and you try to place your ads in the place</p> <p>3 where they'll get the most return for the</p> <p>4 lowest cost. Fair?</p> <p>5 A. Yeah. You treat each one of them</p> <p>6 individually. Now, there is a difference --</p> <p>7 now, there is one other kind that I not --</p> <p>8 that I forgot to tell you.</p> <p>9 We also in 20 -- in 2015 or 20 --</p> <p>10 let's see. 2014 or '15 or maybe -- no, maybe</p> <p>11 it was 2012. It was somewhere in the 2012,</p> <p>12 '13 era, I went with -- I started with Salem</p> <p>13 Media. This all started with radio first.</p> <p>14 I went to them because they would</p> <p>15 say we have this many impressions, and I</p> <p>16 would say, Well, that doesn't impress me. I</p> <p>17 said, If you have such a good product, that</p> <p>18 means that people are listening and watching.</p> <p>19 You know, our demographics back then were</p> <p>20 like 45 years old and older, I learned that,</p> <p>21 and -- for MyPillow.</p> <p>22 So Salem Media was the first ones</p> <p>23 to do it with rev shares. So they got --</p> <p>24 they would put up their reads and we would</p> <p>25 put up our products. So they would get a rev</p>	<p style="text-align: right;">Page 83</p> <p>1 share, I don't make the decision. If they</p> <p>2 want to run it ten times or do whatever,</p> <p>3 that's their business because I have nothing</p> <p>4 to lose. You follow me?</p> <p>5 Q. Understood.</p> <p>6 A. So that -- that's not where -- let's say</p> <p>7 it's -- if I wouldn't think it's successful,</p> <p>8 that person -- they have to make their own</p> <p>9 decision there if they want to run the ad or</p> <p>10 not. That's not my decision then.</p> <p>11 Q. How many -- well, we'll talk about revenue</p> <p>12 sharing later.</p> <p>13 A. Yep.</p> <p>14 Q. So those are as -- in your roles and</p> <p>15 responsibilities, we discussed what was in</p> <p>16 that interrogatory answer. We discussed that</p> <p>17 you are a spokesperson for MyPillow, even if</p> <p>18 not the only spokesperson for MyPillow,</p> <p>19 correct?</p> <p>20 A. Define "spokesperson." I mean, when you --</p> <p>21 there's hundreds -- when you -- if someone is</p> <p>22 out there, an employee that's doing a thing,</p> <p>23 they're a spokesperson, I guess. They're</p> <p>24 selling MyPillow. Yes. The answer is yes.</p> <p>25 Q. You appear in -- you appear in commercials</p>
<p style="text-align: right;">Page 82</p> <p>1 share. So -- and that just exploded. So we</p> <p>2 had podcasters and radio shows. They all got</p> <p>3 a rev share. So that's different.</p> <p>4 If they want to run it wide open,</p> <p>5 that's their choice. We were guaranteed X at</p> <p>6 MyPillow then, back when we started the rev</p> <p>7 share program in 2012 or '13.</p> <p>8 So many podcasters jumped on board</p> <p>9 and many radio stations jumped on board</p> <p>10 because they could sell -- rather than sell</p> <p>11 ten ads for \$1,000 apiece, they could run</p> <p>12 three MyPillow ads back then and they would</p> <p>13 make more than they did in all ten, so they</p> <p>14 could either sell the other seven or just run</p> <p>15 Pillow -- MyPillow wide open.</p> <p>16 Q. And that's a revenue-sharing agreement --</p> <p>17 A. That was revenue sharing. Yep.</p> <p>18 Q. We'll talk about that later. Okay. Okay.</p> <p>19 All right. I want to talk --</p> <p>20 A. My point being --</p> <p>21 (Simultaneous indiscernible crosstalk.)</p> <p>22 Q. Mr. Lindell, there's no question.</p> <p>23 A. No, I just want to put something in there,</p> <p>24 though, real quick.</p> <p>25 So I don't -- when it's a rev</p>	<p style="text-align: right;">Page 84</p> <p>1 and advertisements and --</p> <p>2 A. Right.</p> <p>3 Q. -- in public and market the company, right?</p> <p>4 A. Yes.</p> <p>5 Q. And that that rog response also says you</p> <p>6 manage all aspects of the company and its</p> <p>7 operations. I believe we talked about that</p> <p>8 before, right?</p> <p>9 A. Yes.</p> <p>10 Q. There is a couple other employees on this</p> <p>11 list here in topic number 3 that I just want</p> <p>12 to confirm their employment by MyPillow.</p> <p>13 The first is Dawn Curtis. Is Dawn</p> <p>14 Curtis a MyPillow employee?</p> <p>15 A. Yes.</p> <p>16 Q. Is Nick -- and was Dawn Curtis a MyPillow</p> <p>17 employee in 2021?</p> <p>18 A. She -- she's been in a role for a long time.</p> <p>19 She ran our radio for a long time. I</p> <p>20 don't -- I forget what year. It goes all the</p> <p>21 way back. She takes care of radio and</p> <p>22 podcasts, that's her role.</p> <p>23 And like I used to do -- here's --</p> <p>24 we don't let just anyone sell MyPillow. They</p> <p>25 have to try the product, believe in the</p>



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<p style="text-align: right;">Page 85</p> <p>1 product. And I used to get on the phone with 2 all the podcasters and radio hosts back then, 3 no matter who they were, so that we would -- 4 they would believe in the product. I didn't 5 want them selling our product just to sell 6 it. I wanted them to really believe in our 7 company and our products. 8 So Dawn started doing that, where 9 she would get on the phone, no matter what 10 the host, and do the -- send them the 11 product. They didn't get to start. They 12 would have to take it. And then if they had 13 a problem, we would give them a different 14 size of MyPillow. So she did that. 15 Then she started -- so she tracks, 16 like, radio and podcasts. That's her -- 17 that's her two things. She will track that. 18 She's been doing that for a long time. 19 Q. Okay. The next individual is Nick Dressen. 20 A. Yep. 21 Q. Is Nick Dressen a MyPillow employee? 22 A. Yes. 23 Q. And was Nick Dressen a MyPillow employee in 24 2021? 25 A. Correct.</p>	<p style="text-align: right;">Page 87</p> <p>1 longer with us. 2 Q. And what was -- was she with -- was she a 3 MyPillow employee in 2021? 4 A. Yes. 5 Q. And what was her role at that time? 6 A. It's -- it's technology, like if computers 7 were -- needed fixing or -- she worked in IT. 8 Q. Was Ms. Terri Pietz, P-I-E-T-Z, a MyPillow 9 employee in 2021? 10 A. I don't know. I don't know. Probably, I 11 guess. Yeah, I think she was. 12 Q. And do you recall her roles and 13 responsibilities? 14 A. She did -- she did -- hung pictures, went and 15 got -- went to -- she's just a utility, 16 just -- I guess hung pictures, decorated. 17 Um, she lost her job, too. 18 There was -- she did -- I guess she 19 did stuff a little bit with -- maybe in the 20 giveaway department, like where you give away 21 pillows, like with Thom and them, and -- 22 yeah, that's about it, you know. 23 She didn't -- she didn't have a -- 24 she didn't have a role other than, you know, 25 if you need flowers put in a lobby or</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. And what is -- what are Mr. Dressen's 2 responsibilities? 3 A. Now, I don't know in 2021, but I -- if he was 4 still -- if he was doing what he is doing 5 now. Right now he does all the emails and 6 texts. 7 And so they set up like the promo 8 codes and emails -- promo codes, phone 9 numbers for every -- every single email that 10 goes out is, like I say, tracked 11 individually. 12 He's -- that's his full-time job 13 now, and I don't know if it was back in '21. 14 I'm not sure, but I -- like I say, I don't 15 know if it was him or not then, but it is 16 now. 17 Q. How about Jennifer Pauly Hunter? Is 18 Ms. Hunter a MyPillow employee? 19 A. No. She -- she lost her job because of 20 the -- earlier this year when we had -- it's 21 been one layoff after another with the 22 decimation of our company, the -- the attacks 23 and the lost business since 20 -- January of 24 '21. So she -- she lost her job. We had a 25 big layoff this spring, and so she's no</p>	<p style="text-align: right;">Page 88</p> <p>1 whatever, kind of -- that kind of role. 2 Q. Do you recall if Ms. Pietz worked on the 3 MyPillow newsletter? 4 A. I have no idea. No idea. I don't know if -- 5 I've never seen the -- I've probably looked 6 at one newsletter in my life of MyPillow. 7 Q. That's the -- 8 A. I have no idea. The employees do it. Then 9 they -- it's employees that do it. I have no 10 idea. I've never looked at one. If I did, 11 it may have been years ago. I don't ever 12 remember reading one in its entirety. 13 We used to -- I know we did a thing 14 where back in the day we wanted employee of 15 the month and we were doing a thing -- or 16 employee of the week or whatever. I think 17 that's way back in the day. That's the 18 newsletters I remember of -- or remember. 19 But I have no idea about any 20 newsletter. I never see a newsletter. 21 Q. Okay. I want to show you a document here. I 22 think it will be Exhibit 726. My colleague 23 will put it on the screen. 24 MR. FREY: For the record, it's 25 produced with Bates number DEF027329.</p>



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<p style="text-align: right;">Page 89</p> <p>1 (Deposition Exhibit 726 was marked for identification.)</p> <p>2 BY MR. FREY:</p> <p>3 Q. Do you see here it's a February 2021 email?</p> <p>4 The top email is from Sarah Cronin to Terri</p> <p>5 Pietz.</p> <p>6 A. Okay.</p> <p>7 Q. And below that Terri emails Sarah and says,</p> <p>8 "Let me know if approved. Newsletter -</p> <p>9 Updated."</p> <p>10 Do you see that?</p> <p>11 A. Yep.</p> <p>12 Q. And then if you scroll down, it's the</p> <p>13 MyPillow newsletter, January/February 2021,</p> <p>14 and it is referencing that Absolute Proof</p> <p>15 documentary, correct?</p> <p>16 A. Okay. Yep.</p> <p>17 Q. And so would this have been part of</p> <p>18 Ms. Pietz's -- does this refresh your</p> <p>19 recollection as to whether Ms. Pietz was</p> <p>20 involved with the employee newsletter --</p> <p>21 A. I've never seen --</p> <p>22 (Simultaneous indiscernible crosstalk.)</p> <p>23 A. I've never seen this in my life, and I have</p> <p>24 no idea what Terri -- that Terri -- if Terri</p> <p>25 was involved in this. I've never seen this,</p>	<p style="text-align: right;">Page 91</p> <p>1 that movie. So I have absolutely no idea</p> <p>2 with this newsletter.</p> <p>3 I mean, it was big news when</p> <p>4 Absolute Proof came out, but that was on</p> <p>5 February 5th of 2021. So, you know, I don't</p> <p>6 know why this would be -- I guess this is</p> <p>7 news from January and February that Mike</p> <p>8 Lindell came out with a movie. I don't know</p> <p>9 why this was up there and I don't know if it</p> <p>10 went to the employees. I have no idea.</p> <p>11 I don't even know if this thing</p> <p>12 went out or -- I don't see the newsletter</p> <p>13 other than a picture of Absolute Proof. So I</p> <p>14 don't know. I mean, where's the guts of the</p> <p>15 email -- or the newsletter? It just says,</p> <p>16 "Absolute Proof." I don't get it.</p> <p>17 Q. So it says here --</p> <p>18 A. Oh, see, now you're scrolling down.</p> <p>19 Q. Yeah.</p> <p>20 A. So Martin Luther King. I guess this is just</p> <p>21 the news of the last two months in the</p> <p>22 public. I don't know. They've got Martin</p> <p>23 Luther King.</p> <p>24 Scroll down a little bit. You're</p> <p>25 kind of hiding stuff here. Well, scroll down</p>
<p style="text-align: right;">Page 90</p> <p>1 as far as I know.</p> <p>2 (Simultaneous indiscernible crosstalk.)</p> <p>3 A. Terri put -- like I say, Terri Pietz was --</p> <p>4 she was just an office worker. If someone</p> <p>5 needed flowers, if they needed something in</p> <p>6 their cubicle, if they needed pictures hung,</p> <p>7 this is what she does -- she did. It</p> <p>8 was basically you tried to find work for her.</p> <p>9 So if Sarah reached out to her to</p> <p>10 add that to the newsletter because we were --</p> <p>11 because this movie was going to get</p> <p>12 distributed to the employees, I don't know.</p> <p>13 I have no idea. You'd have to ask Sarah or</p> <p>14 Terri.</p> <p>15 Q. And when was --</p> <p>16 A. It looks to me like Sarah was reaching out to</p> <p>17 her like any other -- huh? Go ahead.</p> <p>18 Q. I was going to say: Was Absolute Proof</p> <p>19 distributed to the -- all the MyPillow</p> <p>20 employees?</p> <p>21 A. I have no idea, absolutely no idea. It</p> <p>22 wasn't -- it wasn't -- it wouldn't have been</p> <p>23 on my direction. I was too busy with getting</p> <p>24 cancelled and making the movie. I know where</p> <p>25 I was every minute up to that movie, up to</p>	<p style="text-align: right;">Page 92</p> <p>1 a little bit. I want to see the rest of the</p> <p>2 newsletter. So you have Martin Luther King</p> <p>3 on there. So this is a newsletter saying --</p> <p>4 to the employees maybe of the previous month.</p> <p>5 Why are you hiding Martin Luther King on</p> <p>6 here?</p> <p>7 Q. We're not. So we're going to start at the</p> <p>8 top of the newsletter.</p> <p>9 Mr. Lindell, I'll tell you if you</p> <p>10 have -- maybe we should get your laptop out</p> <p>11 or your tablet, because then you could have</p> <p>12 full control of the document.</p> <p>13 We're not trying to hide anything</p> <p>14 from you. We will publish -- we've published</p> <p>15 this document to the court reporter and to</p> <p>16 your attorney and to you. If you will open</p> <p>17 up a tablet, you can manipulate it any way</p> <p>18 you want.</p> <p>19 Go ahead and ask how you want it</p> <p>20 scrolled and we'll scroll through it.</p> <p>21 A. Just go ahead and scroll. This is the first</p> <p>22 time I've seen this. You're asking me to</p> <p>23 explain something here. Scroll down the</p> <p>24 document and then come back up to the top and</p> <p>25 I probably can say if I've even -- what this</p>

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<p style="text-align: right;">Page 93</p> <p>1 even is. I've never seen this before in my 2 life. 3 I've never read a MyPillow 4 newsletter. I don't even know who it goes to 5 within our employees. This doesn't go out to 6 the general public, I know that. That's a 7 fact. 8 "We must learn to live together as 9 brothers or perish..." Okay. "Welcome New 10 Employees. MyPillow Apparel." 11 Okay. So I've never seen these. 12 It looks to me like it's a -- it's just for 13 our internal employees, and then I could see 14 where Terri Pietz would be helping. She is 15 the utility player, where Sarah said, here, 16 you know. 17 "Happy President's Day." I mean -- 18 okay. I get it. So now continue with your 19 questions. I get it. This is just a -- 20 "...stood to give a testimony about MyPillow. 21 This young lady..." One scripture -- it 22 talks about God. "Thank you everyone for 23 your hard work." Okay. I've got it. Yeah. 24 Q. Yeah. So my question really was just if 25 Terri's roles and responsibilities included</p>	<p style="text-align: right;">Page 95</p> <p>1 MyPillow employee in 2021? 2 A. Yes. 3 Q. And what was his -- 4 A. Yep. 5 Q. What was his position? 6 A. He is a manufacturing -- he is the manager of 7 a building, one of our buildings. I don't 8 know how many we had in 2021, but he is a 9 manager of one of the buildings and -- he is 10 the overall manager of that building. 11 So you have, you know, 12 manufacturing, inventory under him, 13 procurement. He would be the building 14 manager that kind of oversees all the 15 departments within that building, and that's 16 it. 17 Q. And how about Kim Rasmussen? Was 18 Ms. Rasmussen a MyPillow employee in 2021? 19 A. No, I don't believe so. I think she left 20 in 20 -- I don't know exactly when she left, 21 but it was either the -- she might have left 22 in 2021, but I think it was 2020 or maybe 23 even 2019. I don't know. 24 Q. And did she -- she left MyPillow completely? 25 A. Yeah. She left MyPillow completely, whenever</p>
<p style="text-align: right;">Page 94</p> <p>1 sending out the employee newsletter for 2 MyPillow. That's -- 3 A. I have no idea. I've never read one. I 4 don't even know if it goes on. I didn't know 5 when it was stopped. I don't know if we 6 continued to do it. I don't know when it 7 started. I don't know. I think that would 8 be a question for probably Sarah Cronin. 9 I would say Terri did not -- I 10 don't know if she would have anything to do 11 with it, other than what Sarah just sent her 12 there because, like I say, if she's in and 13 you needed help hanging signs -- or I mean 14 pictures, if you needed help wiping windows 15 down, if you needed help moving something, if 16 you needed help -- it looks to me like Sarah 17 reached out to her to help her with that, 18 something with that newsletter. That's all. 19 Terri Pietz had no significant role 20 like that at all. That's -- she would have 21 helped that day. As far as I know, you know, 22 that wasn't her role, to make a newsletter. 23 That's a fact. 24 Q. Okay. We can move on. 25 Todd Taylor. Was Todd Taylor a</p>	<p style="text-align: right;">Page 96</p> <p>1 she did leave. In fact, she had an employee 2 agreement where she -- she -- she just wanted 3 to retire early, I guess, and she -- she had 4 been with me a long time, since 20, I 5 believe, 10 and she left -- she even had to 6 leave some of her stock because, you know, 7 there was employee agreements. She just 8 wanted to retire. 9 Q. What was her role with the company before she 10 retired? 11 A. She was accounting. Accounting. Just 12 accounting, that's it. 13 Q. Let's move on to topic number 4 in the 14 notice, which is the authority, practices, 15 procedures, and responsibilities of the 16 MyPillow Board of Directors from January 1st, 17 2016 to the present. 18 A. Okay. 19 Q. Now, consistent with our prior discussion, is 20 it my understanding that you did not do 21 anything specifically to prepare yourself to 22 testify as to this topic today? 23 A. Not one thing, other than less than five 24 minutes with my attorney this morning. He 25 said, Remember, we've to get on on time.</p>

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<p style="text-align: right;">Page 97</p> <p>1 Q. Do you consider yourself the person most 2 knowledgeable at MyPillow to testify about 3 this topic? 4 A. Yes. 5 Q. So I want to talk -- we've gone through who 6 some of the board members were. I just want 7 to get an understanding of kind of the 8 cadence of board meetings and what the board 9 does. 10 So how often does the MyPillow 11 Board of Directors meet in a given year? 12 A. Back then, if you go back to 20 -- I don't 13 know how far back you want to go. There were 14 times we've had up to one meeting a quarter. 15 There's been times it's been less than that, 16 maybe once a year, twice a year. 17 It just -- we haven't had one now 18 in quite a while because it's been living day 19 by day because we're -- you know, we don't 20 have any money left anywhere. So they -- so 21 we -- we're going day by day trying to stay 22 alive. 23 But we had a lot -- like I say, 24 we've had anywhere from, I'd say, maximum 25 four in a year to we might not have one for a</p>	<p style="text-align: right;">Page 99</p> <p>1 been on the defense trying to stay alive with 2 MyPillow with all the attacks and the losses 3 and the cancellations. 4 And, you know, I'm sure we've had 5 some. I just don't know. I couldn't tell 6 you the -- the schedule hasn't been like it 7 was prior to that, where every time you had a 8 board meeting, you scheduled the next one. 9 You read the prior minutes. You schedule the 10 next one. It was like very clockwork. But 11 everything changed in January of '21 going 12 forward for everything. 13 Q. So since January of '21, how does a call for 14 a meeting come about? 15 A. I guess probably Doug Wardlow would say we've 16 got to schedule a corporate -- we've got to 17 schedule a corporate board meeting. I think 18 you're -- I think you're required to -- you 19 know, in a time you can't -- you've got to 20 have so many in a period or whatever. He'd 21 just put, you know, we have to have one. 22 That's been brought up before with Doug, 23 so... Our corporate attorneys usually call 24 the meeting. 25 Q. Okay. That's what I was going to ask, who</p>
<p style="text-align: right;">Page 98</p> <p>1 whole year, like this last year, because 2 we've been -- 3 Q. And so is it fair to say, then, there's not 4 like a preset schedule for the board 5 meetings, they're just kind of called when 6 needed? 7 A. No. No. Usually when you had a board 8 meeting when it was -- when we had all our 9 structure before all the attacks and before 10 we lost just complete disarray with -- in 11 January of '21, we would have -- whenever we 12 had a board meeting, we would set the time 13 for the next board meeting. It would usually 14 be three months out. We did this like 15 clockwork up until we were attacked and lost 16 everything in January of '21. 17 Q. So then -- 18 A. It was like clockwork. You could set your 19 watch by it. 20 Q. Okay. So there was a regular cadence to 21 meetings pre-January 2021, and then since 22 that time it's been more kind of ad hoc? 23 A. I don't even -- I don't even know how many 24 we've had then or what we've done then 25 because it was -- it's -- like I say, we've</p>	<p style="text-align: right;">Page 100</p> <p>1 decides to have the meeting. It's the 2 corporate attorneys? 3 A. Yeah. I believe so, yeah. 4 Q. Does someone prepare an agenda for the 5 meetings -- 6 A. Oh, yeah. 7 Q. -- in advance? 8 A. Yeah, and that's done by usually the 9 corporate attorneys. I believe so. They set 10 the -- yeah, I think that's Doug Wardlow that 11 sets all of that. 12 Q. And then those are disseminated to the board 13 members in advance? 14 A. Yep. You get all the -- you get all the -- 15 and then you agree to all the stuff from the 16 prior minutes. Everybody has to approve 17 that, just like a normal board meeting. 18 Yeah. 19 Q. Okay. That was going to be my next question. 20 So minutes are prepared of the board 21 meetings? 22 A. Yeah. Of course they are. 23 Q. And are those minutes maintained anywhere? 24 A. Yes, I believe so. You would have to ask the 25 attorneys.</p>

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<p style="text-align: right;">Page 101</p> <p>1 Q. And then following the meeting or in advance 2 of the next meeting, the minutes will be 3 disseminated to the board, right? 4 A. A hundred percent. We have a person 5 keeping -- you know, typing stuff up during 6 the board of everything that was talked 7 about. It's -- you know... 8 Q. Okay. And how is it determined what issues 9 will be discussed at the board meeting? 10 A. We just have a -- it's always structured. 11 You have a chairman's report, maybe a -- each 12 department, I think, reports. There's like 13 three or four. I think there is four 14 different departments. 15 The legal department, they make -- 16 they do theirs. I have my report. I know 17 the lawyers have their report. Um, I don't 18 know if there is a report from manufacturing 19 or not. I don't know. I'd have to look back 20 and see. 21 I just know that the -- usually 22 the, um -- it seems like lately it's the 23 legal department that has the biggest 24 report -- 25 Q. Okay. Are board members --</p>	<p style="text-align: right;">Page 103</p> <p>1 with him and I told him about that I used to 2 be an ex-crack cocaine addict. I said I -- I 3 have this network, the Lindell Recovery 4 Network, where I help people. He said, I'm 5 going to stop the drugs pouring in. 6 I had this conversation with this 7 guy. I never even -- I never even watched 8 The Apprentice. I certainly never met a 9 presidential candidate. 10 I got out of that meeting. It was 11 just him and I, and I went -- I asked his 12 employees -- there was no agenda. He didn't 13 want money or anything. He just wanted to 14 know what it was like to manufacture here in 15 the US and how it was working for me, and it 16 was -- and I said it was great. I said -- I 17 went and talked to his employees and all 18 employees validated what I had just seen, 19 great man, great person. He had helped them 20 individually. 21 So I got back to Minnesota and I 22 went -- we had a board meeting then, 23 actually, and I said, I want to do a press 24 release. I met Donald Trump. And I said, 25 You guys, this guy -- he would be amazing. I</p>
<p style="text-align: right;">Page 102</p> <p>1 A. -- because of -- because of things like this. 2 Are board members what? 3 Q. Are board members permitted to raise issues 4 at a meeting that are not -- 5 A. A hundred percent. 6 Q. -- on the agenda? 7 A. Absolutely. 8 Q. And what types of issues do board members 9 raise? 10 A. Well, I'll give you one. In January -- or in 11 August of 2016 -- and this is very public. 12 I've said it before. In fact, I think it's 13 even in my book. 14 I was the media's darling. I could 15 walk across the street and every outlet would 16 say, Mike, how many employees are you hiring 17 today? How many more employees? Wow, you're 18 hiring. You're helping people off the 19 street. You've given millions of dollars to 20 help the homeless and all this stuff. 21 And then I went to -- I never voted 22 in my life. I went to a meeting in the 23 summer of '21. I was invited to it by Donald 24 Trump. He was running for office and I went 25 to that meeting August 15th, 2016 and I met</p>	<p style="text-align: right;">Page 104</p> <p>1 said, I want to tell people, you know, 2 this -- this would help businesses and stuff. 3 And at that time Joe Springer, who 4 was our -- our in-house attorney -- he might 5 have been just an outside counsel. I don't 6 know if he had been hired inside then or not, 7 but he was on the board and he said, If you 8 do the press release, you're going to lose 9 half our business. And I said, Why? Why 10 would that matter if I -- if I did that? I 11 said, You know, I'm just -- it didn't make 12 sense to me. 13 And he -- because I was doing -- 14 this was me as an individual, not as 15 MyPillow. And he said -- and I said, This is 16 me as an individual. It had nothing to do 17 with MyPillow. He says, Well, you would hurt 18 MyPillow. I go, Why? That doesn't make 19 sense to me. 20 And so he put in his two cents 21 there, you know, and they -- so it was things 22 like that where, yeah, there could be 23 pushback on anything. 24 And so -- by the way, I did that 25 press release and I was attacked by all the</p>



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<p style="text-align: right;">Page 105</p> <p>1 media at that time. They called me a racist.  2 They called me a drug dealer. And I said,  3 No, I never dealt a drug in my life. I tried  4 to rid Minneapolis of drugs by doing them  5 all. And I had my recovery network and all  6 this stuff, and they just attacked me.  7 And the Better Business Bureau took  8 me from -- took MyPillow from an A plus to an  9 F. They didn't do anything. In fact, they  10 were -- you know, they had nothing to do with  11 Mike Lindell then and it was like -- this is  12 unbelievable. I could not believe it back  13 then what they -- what happened.  14 But -- so, yeah, there is an  15 example right there.  16 Q. So that board member pushed back and said why  17 would you -- why would do this and --  18 A. Can I --  19 Q. -- ultimately --  20 A. Right.  21 Q. -- the company went forward and you did issue  22 the press release, right?  23 A. No, no, no, not the company. Mike Lindell as  24 an individual. Let's get that straight.  25 Mike Lindell. This was he telling me not to</p>	<p style="text-align: right;">Page 107</p> <p>1 was -- somebody brought it up. Joe brought  2 it up. I didn't bring it up and say that I  3 was going to do this. Somebody brought it up  4 to him and he brought it up to the board  5 meeting. I heard you're going to go out and  6 do a press release. Joe Springer brought it  7 up. I didn't bring it up. Somebody had  8 talked to him internally or whatever.  9 You know, what I did with myself, I  10 didn't tell -- I didn't go in the board  11 meeting and say, I'm going to have a private  12 meeting with Donald Trump. I mean, you know,  13 this is something that he brought up. And I  14 said -- and I'm defending myself going, um,  15 I'm my own person. Joe, what you do in your  16 off time is your time. Him and I got in an  17 argument over it.  18 You know, he was a very -- this is  19 when I first learned about politics. He was  20 a very left-leaning liberal, and I didn't  21 know a Democrat from a Republican or liberal  22 from a conservative then. I had never voted  23 in my life. I was an ex-crack cocaine  24 addict.  25 I'm going, What are you talking</p>
<p style="text-align: right;">Page 106</p> <p>1 do this. I said, I'm my own person and I  2 said, I didn't go out there and say,  3 "MyPillow." I went out there as Mike  4 Lindell. If you read my book, you'll see  5 that.  6 This was a -- this was Mike  7 Lindell. Had nothing to do with MyPillow,  8 and I told him that. Why would -- it didn't  9 have anything to do with MyPillow. This is  10 me, Mike Lindell.  11 I had a private meeting with Donald  12 Trump talking about addiction and people, and  13 he says, I'm going to stop the fentanyl  14 pouring in. This -- when I got my first  15 taste of that.  16 So then the Better Business Bureau,  17 we were up for their highest award, their  18 Torch Award, they came in and attacked  19 MyPillow, but they had nothing to do with  20 anything, very similar to this right here  21 actually, now that I think about it.  22 Q. Let me ask, Mr. Lindell, why were you  23 discussing your personal decision at the  24 MyPillow board meeting?  25 A. I didn't -- I didn't bring it up. This</p>	<p style="text-align: right;">Page 108</p> <p>1 about? I said, I want to help people. My  2 thing was to help people out of addiction and  3 to Jesus Christ. That was my thing there.  4 He didn't say anything when I spoke  5 in churches all over the country and -- about  6 addiction or -- you know, all of a sudden he  7 brings this up there. I'm going -- you know,  8 it was an argument. I'm going, What I do in  9 my time is my business. What you do in your  10 time, Joe, is yours. And -- and that was the  11 argument.  12 Q. And so that -- you were giving me that as an  13 example as an instance in which a board  14 member can raise an issue that's not on the  15 agenda?  16 A. Right. They raised -- right. They raised an  17 issue that's not on the agenda, and that's  18 one that's even in my book, you know.  19 And then he -- and then when the  20 Better Business Bureau comes out and takes us  21 from an A plus to an F, he's going kind of  22 like, see, I told you so. I'm going, You  23 know what? What I do on my own time -- what  24 they did was so horrible to MyPillow, which  25 had nothing to do with what I did and it was</p>



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<p style="text-align: right;">Page 109</p> <p>1 a -- you know, it would be -- you know, I 2 guess that was, you know -- I'm not saying he 3 was right or wrong, but what I do on my own 4 time was none of his business and what he 5 does -- that was my point to him. 6 And there are things like that 7 would come up, but not -- you know, another 8 example would be my -- you know, let's say 9 they would bring it up. They'd go, Mike, I 10 think we should -- another thing was that -- 11 Joe brought up in the summer of 2014 our 12 inventory was very high. 13 I remember the specific 14 conversation with, again, that Joe Springer, 15 and he was so worried because our inventory, 16 which was paid for, it was all our profits, 17 our inventory was like 30 or 25 or 30 million 18 dollars and that was our profit. 19 And if we didn't have a way to sell 20 that, the employees, like we talked earlier, 21 would have to pay taxes. They would be taxed 22 on that because that income was sitting in 23 inventory. 24 And I said -- and I had to say -- 25 it was -- it was -- and he was right. I</p>	<p style="text-align: right;">Page 111</p> <p>1 worked of one minute. Before they were 2 half-hour commercials. 3 So we sold enough in November and 4 December, which I had told -- you know, Joe 5 didn't have an answer. His pushback was: 6 Look what we've got here. We've got a big 7 problem. What are you going to do about it, 8 Mike? I'm going, okay, yeah, that is a 9 problem, because -- and so things like that 10 would get brought up. 11 Q. Okay. All right. I want to look at a 12 specific example of board minutes that we 13 have. My colleague will place it on the 14 screen and publish it to the court reporter. 15 MR. FREY: This will be Exhibit 16 727 -- 17 MS. LOFTUS: Actually, it's -- 18 MR. FREY: Oh, I'm sorry. This has 19 already -- for the court reporter, this has 20 already been marked as Deposition Exhibit 21 666. 22 BY MR. FREY: 23 Q. Mr. Lindell, do you recognize these as board 24 meeting minutes from October 5th, 2021? 25 A. That's what it says, correct.</p>
<p style="text-align: right;">Page 110</p> <p>1 said, You know -- I said, All I know is we've 2 got to pray to figure out a way to sell this 3 inventory because otherwise the employees 4 would, you know, be paying taxes on that 5 because our media -- our half-hour 6 infomercials have fatigued. There's a 7 fatigue level. Once you run them for so 8 long, they fatigue. 9 So we had all this paid-for 10 inventory, which was profit, but you can't 11 pay taxes on inventory. I mean, you can't 12 say, Here you go, IRS, take some slippers and 13 take some pillows. 14 And I remember him going, you know, 15 we can't -- we have to do something, 16 whatever. And I'm going -- you know, he 17 didn't have the solution. I said -- I said, 18 You're just going to have to trust. I'll 19 find different ways to market to get rid -- 20 to sell this stuff before the end of the 21 year. 22 That's when we came out with our 23 one-minute commercial, which is also in my 24 book, and that was in November of 2014. 25 That's when we finally made a commercial that</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Have you seen these -- this document before? 2 A. No. I'm looking at it now. I probably did 3 back then, but I don't recall. But, yeah, I 4 mean, I've seen documents. This would have 5 been -- this would have been, I guess, 6 presented to us before we started the 7 meeting, correct? 8 Q. And at the start here it says that, "Mike 9 approved minutes. Doug set motion - Jen 10 seconded." Right? 11 So that's the board voted to 12 approve the prior minutes? 13 A. Correct. Correct. Correct. Correct. 14 Q. Then a vote to remove board members. So 15 Wayne was removed for health reasons and then 16 there is the Bob Roepke resignation that 17 you -- 18 A. Yep. 19 Q. -- previously disclosed, right? 20 And again, then, here the board 21 votes -- 22 A. Yep. 23 Q. -- on that? 24 Then there is a motion to set the 25 board to 12 members, right?</p>

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<p style="text-align: right;">Page 113</p> <p>1 A. Okay. Yep.</p> <p>2 Q. Okay. And various other motions and votes</p> <p>3 regarding who the board membership will be,</p> <p>4 right?</p> <p>5 A. Yep.</p> <p>6 Q. Then we scroll down and there's a UK update</p> <p>7 and discussion, and this is pertaining to the</p> <p>8 UK business line; is that right?</p> <p>9 A. Yep. Right.</p> <p>10 Q. All right.</p> <p>11 A. The UK -- the UK -- let's go back to the UK.</p> <p>12 Yeah, the UK after January of '21, they just</p> <p>13 attacked the business, so we -- I wanted to</p> <p>14 get rid of it. We was just -- we were</p> <p>15 hemorrhaging money over there because they</p> <p>16 were cancelled, too, along with everything</p> <p>17 else, just attacked.</p> <p>18 Q. Okay. And so this one is just discussed,</p> <p>19 right, this issue is just a discussion?</p> <p>20 There is no board vote here, right?</p> <p>21 A. Looks like it, right.</p> <p>22 Q. Okay. Going down, then, there is a legal</p> <p>23 matters update, which is what you said,</p> <p>24 where, you know, the lawyers would update the</p> <p>25 board about --</p>	<p style="text-align: right;">Page 115</p> <p>1 platform and we were -- on all the platforms</p> <p>2 that we advertised, we were cancelled.</p> <p>3 MyPillow was cancelled on YouTube and Vimeo,</p> <p>4 these different things.</p> <p>5 MyPillow -- so this would be a</p> <p>6 platform we would be able to advertise on,</p> <p>7 you know, to -- we were starting to look at</p> <p>8 ways -- ways to replace our advertisers</p> <p>9 because we lost our box stores, shopping</p> <p>10 channels. We lost a lot of platforms, like</p> <p>11 YouTube, Vimeo, Twitter, the places where we</p> <p>12 advertised. So I was -- I told them, Here's</p> <p>13 another platform we're going to be able to</p> <p>14 advertise on as it grows. Yeah.</p> <p>15 Q. Okay. And so it would be a -- it would be a</p> <p>16 site on which, I guess you said, MyPillow</p> <p>17 could place its advertisements, right?</p> <p>18 A. Right. We would buy ads there, yes, just</p> <p>19 like any other platform, exactly. We would</p> <p>20 have another outlet.</p> <p>21 And when you -- when we buy ads,</p> <p>22 remember, we -- it's -- you know, it's -- you</p> <p>23 either break even or make money. So it's not</p> <p>24 branding. This was actually telling them</p> <p>25 here's another revenue stream.</p>
<p style="text-align: right;">Page 114</p> <p>1 A. Right. Right.</p> <p>2 Q. -- various lawsuits or legal issues, right?</p> <p>3 A. Yep.</p> <p>4 Q. And then after that is the chairman's report.</p> <p>5 So would that be your report to the board?</p> <p>6 A. Yeah. Yep.</p> <p>7 Q. And it's typical that at a board meeting</p> <p>8 you'll give a report on kind of how the</p> <p>9 company is doing?</p> <p>10 A. Right.</p> <p>11 Q. Do you see, "In July we had 40 million in</p> <p>12 paid inventory, we currently have 54 million</p> <p>13 in paid inventory"?</p> <p>14 A. Yep.</p> <p>15 Q. It goes down to the fourth line. It says,</p> <p>16 "Discussed FrankSpeech and how revenue will</p> <p>17 be coming from there as having them advertise</p> <p>18 MyPillow products." Right?</p> <p>19 A. Uh-huh. Yep.</p> <p>20 Q. And what is FrankSpeech?</p> <p>21 A. It was -- it's a media platform that I</p> <p>22 started in February of -- February or March</p> <p>23 of 2021. So it's like a -- it's like a --</p> <p>24 when they cancelled Parler, it's like -- it</p> <p>25 was supposed to be a social media streaming</p>	<p style="text-align: right;">Page 116</p> <p>1 We had to make a lot of -- we had</p> <p>2 to make a lot of changes when we were</p> <p>3 cancelled in January of '21 to try and stay</p> <p>4 alive.</p> <p>5 Q. And did the decision to place advertisements</p> <p>6 for MyPillow products on FrankSpeech, is that</p> <p>7 a decision that the board would vote on or</p> <p>8 that you would just decide and inform the</p> <p>9 board about?</p> <p>10 A. No. No. My -- no. I would make</p> <p>11 decisions -- any -- any platform that's out</p> <p>12 there, we -- any platform that's out there,</p> <p>13 we would say -- you know, we would advertise</p> <p>14 on once they tried my MyPillow or if it was a</p> <p>15 host or if it was a platform like this.</p> <p>16 Just like Rumble or any of these</p> <p>17 platforms, you just -- we were just</p> <p>18 advertising on there. It's just normal</p> <p>19 advertising.</p> <p>20 On FrankSpeech it's a little</p> <p>21 different because you would have multiple</p> <p>22 hosts over there, multiple hosts. A lot of</p> <p>23 them already had MyPillow, but some of them</p> <p>24 didn't and -- you know...</p> <p>25 Q. When you say multiple hosts who already had</p>

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<p style="text-align: right;">Page 117</p> <p>1 MyPillow, could you explain what you mean by</p> <p>2 that.</p> <p>3 A. Like there was podcasters that -- there were</p> <p>4 podcasters prior to '21 on -- that were</p> <p>5 cancelled on YouTube. Many, many podcasters</p> <p>6 had tens of thousands of followers on YouTube</p> <p>7 and Facebook. They all got cancelled. They</p> <p>8 lost their livelihood. But they were selling</p> <p>9 MyPillow and other products, right?</p> <p>10 But they lost their audience to</p> <p>11 this, so they came to FrankSpeech and to</p> <p>12 Rumble, other platforms, where they had to</p> <p>13 build their other platforms and build their</p> <p>14 audiences, but they still sold MyPillow prior</p> <p>15 to that.</p> <p>16 So now they had -- you know, we</p> <p>17 were trying to bring audiences, you know, to</p> <p>18 FrankSpeech, bring your audience there, so</p> <p>19 they could have the audiences they lost at</p> <p>20 YouTube, Vimeo, Facebook, Twitter.</p> <p>21 Many, many podcasters were</p> <p>22 cancelled, so MyPillow -- you know, our</p> <p>23 revenue would go down because they lost --</p> <p>24 even Salem Media, even though they were on a</p> <p>25 rev share, they lost their businesses or</p>	<p style="text-align: right;">Page 119</p> <p>1 be any one of them three.</p> <p>2 A lot of the cancellations, they</p> <p>3 happened in 2020, but that was all about</p> <p>4 people that were against -- that spoke out</p> <p>5 against the vaccine. Many hosts lost their</p> <p>6 jobs, too, during that time.</p> <p>7 And then if you spoke out about the</p> <p>8 election or you were for Donald Trump or for</p> <p>9 Jesus Christ, those were the four biggest</p> <p>10 reasons why people got cancelled.</p> <p>11 There was actually over a million</p> <p>12 people in different form or another that</p> <p>13 were -- 1.2 million that were part of these</p> <p>14 cancellations.</p> <p>15 Q. And so one of the four that you just said</p> <p>16 were people who spoke about the election. I</p> <p>17 mean, those would be people who claimed that</p> <p>18 the election was manipulated or fraudulent,</p> <p>19 the November 2020 --</p> <p>20 A. Yeah.</p> <p>21 Q. -- US election?</p> <p>22 A. Correct.</p> <p>23 Q. And those people would also be -- were those</p> <p>24 people also podcasters who were alleging that</p> <p>25 the voting machine companies were responsible</p>
<p style="text-align: right;">Page 118</p> <p>1 they -- and -- so this was a platform. A lot</p> <p>2 of them shifted to Rumble.</p> <p>3 And then we were hoping to get</p> <p>4 many, many at FrankSpeech, but it didn't work</p> <p>5 out in the beginning well because, you know,</p> <p>6 they -- they'd come over there. You're</p> <p>7 still -- nothing could compare to -- YouTube</p> <p>8 had a monopoly. I mean, just everybody at</p> <p>9 YouTube.</p> <p>10 But they lost -- you know, some of</p> <p>11 them would lose 2 million followers and then</p> <p>12 you come over here and you might have 200,000</p> <p>13 or 100 -- or 50,000. It was just</p> <p>14 (indicating). But they -- you know, it was a</p> <p>15 place for them to still advertise.</p> <p>16 Q. So these podcasters who you say were</p> <p>17 "cancelled," what was the -- why were these</p> <p>18 podcasters "cancelled"?</p> <p>19 A. Well, they were -- you would have to ask</p> <p>20 YouTube, Google, Facebook, Vimeo. I would</p> <p>21 say most of them were cancelled because they</p> <p>22 either spoke out about -- or for Donald Trump</p> <p>23 or for Jesus Christ or for -- or against the</p> <p>24 vaccine. Those were the three biggest</p> <p>25 reasons that they were cancelled. It could</p>	<p style="text-align: right;">Page 120</p> <p>1 for the rigging of the 2020 US election?</p> <p>2 A. I have no idea. You would have to go through</p> <p>3 and check. The ones I know for sure that --</p> <p>4 like Emerald Robinson that came to</p> <p>5 FrankSpeech, she got cancelled by Newsmax</p> <p>6 because she spoke out against the vaccine.</p> <p>7 I guess Lou Dobbs, he got -- he</p> <p>8 came from Fox, but that was just this year</p> <p>9 before he passed away. He was -- he was</p> <p>10 speaking about election platforms going</p> <p>11 forward, I think. I don't know why Fox let</p> <p>12 him go, but I think that had something to do</p> <p>13 with the machines, if you want an example</p> <p>14 there.</p> <p>15 But podcasters, it was -- it was</p> <p>16 all different reasons and I'd have to go</p> <p>17 through each one, and I don't know. I would</p> <p>18 have to ask them. I just told you two</p> <p>19 specifics that I know.</p> <p>20 Q. You yourself published -- published your</p> <p>21 movies on FrankSpeech, correct?</p> <p>22 A. No. My movies -- no. My movies went like</p> <p>23 this: My movies were -- when the movies</p> <p>24 first came out, we put them up on -- I put</p> <p>25 them up on Vimeo. They would take them down</p>

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<p style="text-align: right;">Page 121</p> <p>1 right away. Put them on YouTube, and they</p> <p>2 left them up for two hours and cancelled it.</p> <p>3 Google cancelled even Googling my name. We</p> <p>4 put them up on Rumble and they -- there was</p> <p>5 glitching.</p> <p>6 We put them up on this other</p> <p>7 streaming thing, which Brannon Howse had that</p> <p>8 technology or that streaming company, which</p> <p>9 later on cancelled us, but that one held firm</p> <p>10 and we streamed it from there.</p> <p>11 As far as did we put Absolute Proof</p> <p>12 and Absolute Interference, did we put them up</p> <p>13 so people could watch them there down the</p> <p>14 road? Absolutely. They're still there.</p> <p>15 Q. And so those movies now, Absolute Proof,</p> <p>16 Absolute Interference, the ones that are at</p> <p>17 issue in this lawsuit, right, those are</p> <p>18 published on FrankSpeech, correct?</p> <p>19 A. I didn't know -- I didn't know they were an</p> <p>20 issue, but, yeah, they're published there,</p> <p>21 absolutely.</p> <p>22 Q. Well, you -- you're aware of the complaints</p> <p>23 Smartmatic filed in this lawsuit, right?</p> <p>24 A. Yeah. This is against MyPillow we're talking</p> <p>25 about today, correct?</p>	<p style="text-align: right;">Page 123</p> <p>1 It's identical. There is no favorites there,</p> <p>2 believe me.</p> <p>3 Q. And we'll talk about the revenue-sharing</p> <p>4 agreement with FrankSpeech in another topic.</p> <p>5 A. Okay.</p> <p>6 Q. I want to move down just to the financial</p> <p>7 update. Who would have provided the</p> <p>8 financial update at this board meeting?</p> <p>9 A. I don't know. I don't know back then. I</p> <p>10 have no idea.</p> <p>11 Q. This is October of 2021. Do you see it says,</p> <p>12 "2020 - 355 million"? Do you know what that</p> <p>13 would refer to?</p> <p>14 A. Yep. 2020, that's -- 2020 gross sales</p> <p>15 probably.</p> <p>16 Q. Okay.</p> <p>17 A. I don't know.</p> <p>18 Q. And then it says --</p> <p>19 A. Six months later at 162, I don't know what</p> <p>20 that means, but "2020 - 355" -- I don't know</p> <p>21 what we took in for the year. I know 2020</p> <p>22 was huge because when I spoke at the Rose</p> <p>23 Garden before the -- before the -- right</p> <p>24 before the virus and when everything changed</p> <p>25 there, when media went way down in price when</p>
<p style="text-align: right;">Page 122</p> <p>1 Q. It's the same lawsuit, Mr. Lindell.</p> <p>2 A. Oh, I thought there's two different lawsuits.</p> <p>3 I thought you sued MyPillow and you sued Mike</p> <p>4 Lindell as an individual. Is that not true?</p> <p>5 Q. There's -- well, I'm not going to get into a</p> <p>6 discussion about the legal framework of this</p> <p>7 with you. You can talk to your attorney.</p> <p>8 But I'll tell you that there is a lawsuit</p> <p>9 against -- Smartmatic filed against Mike</p> <p>10 Lindell and MyPillow. It's one lawsuit --</p> <p>11 A. Oh, I've got you.</p> <p>12 Q. -- not two separate.</p> <p>13 A. Okay. Okay. Yeah, I guess you would have</p> <p>14 to -- I believe -- yeah, I believe they're</p> <p>15 still on FrankSpeech, if that's the question.</p> <p>16 I don't -- I don't know a hundred percent for</p> <p>17 sure, but I believe they're still there.</p> <p>18 Q. And as we see here in the chairman's report,</p> <p>19 we're going to -- MyPillow is going to</p> <p>20 generate revenue because FrankSpeech will be</p> <p>21 advertising MyPillow products, correct?</p> <p>22 A. That's absolutely correct. We're going to --</p> <p>23 and they're two separate entities and my</p> <p>24 FrankSpeech pays MyPillow to advertise there,</p> <p>25 just like every other company does, exactly.</p>	<p style="text-align: right;">Page 124</p> <p>1 we all got quarantined, that's when</p> <p>2 MyPillow -- that was -- it went up 4 or 5X.</p> <p>3 That was our biggest in history.</p> <p>4 That was a blessing during that</p> <p>5 time, even though it was so devastating to</p> <p>6 many companies, but that was because we could</p> <p>7 get our ads lower priced and we were</p> <p>8 flourishing.</p> <p>9 We also launched MySlippers, which</p> <p>10 was huge. They -- that product, when we</p> <p>11 launched that -- those two things were -- it</p> <p>12 kind of helped make up for losing box stores,</p> <p>13 but then it didn't last because the virus</p> <p>14 went -- when the virus thing went down and</p> <p>15 the slippers -- the media collapsed on that.</p> <p>16 In fact, we still owe the slipper</p> <p>17 companies a lot of money because it went up</p> <p>18 and then it just came down because of all the</p> <p>19 attacks on MyPillow. So that -- it was a</p> <p>20 complete collapse with that, too.</p> <p>21 Q. Okay. But you see here it says -- right,</p> <p>22 this is October of 2021, which is after</p> <p>23 January 2021, which you keep referring to?</p> <p>24 It says, "We are up" --</p> <p>25 A. Right.</p>

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<p style="text-align: right;">Page 125</p> <p>1 Q. -- "50 percent currently and have made up the 2 money lost from losing retailers," right? 3 A. That was the slipper launch, right. The 4 slippers were huge. When we launched that, 5 it was so big. And then -- and then when 6 that -- when that collapsed -- I think to 7 this day we owe the slipper company \$15 8 million right now. 9 But that was huge because of the 10 slippers, you are correct. That fall when 11 the slippers launched, we could put them 12 anywhere and it was one of our most 13 successful product launches in history. 14 Q. And what was the timing of the slipper 15 launch? 16 A. It was about -- I believe the biggest launch 17 was the -- like September and -- the summer 18 of '21. 19 Q. And then it says, "Timing/release of 20 funds/distributions: likely end of January 21 2022." 22 A. Right. 23 Q. So it appears at that time there was likely 24 going to be a distribution in January 2022, 25 correct?</p>	<p style="text-align: right;">Page 127</p> <p>1 Q. -- legal update, financial update that you 2 would expect to see? 3 A. I guess, yeah. It looks pretty -- it looks 4 right. 5 Q. And outside of discussing these types of 6 issues at board meetings, do directors of 7 MyPillow have any other responsibilities? 8 A. Say that again. The directors on the board? 9 Q. Yeah. Outside of coming -- outside of 10 attending meetings and discussing, you know, 11 issues such as these, voting on board 12 membership, you know, distribution timing -- 13 A. Well, you're missing another -- 14 (Simultaneous indiscernible crosstalk.) 15 A. There's other reports there that would 16 normally be in the minutes, which would be 17 the accounting report from -- there would be 18 here's our -- here's our books, our -- you 19 know, your -- you go over the -- your 20 financials. I mean, there's -- it seems like 21 this is a very small -- small one that you're 22 showing there, you know. 23 Q. I -- 24 A. But as far as you mean people -- people on 25 the board, there's -- my son is on the board.</p>
<p style="text-align: right;">Page 126</p> <p>1 A. Right. The way it looked with the slipper 2 sales, right. 3 We were very concerned. We lost 4 hundreds of millions. The box stores we lost 5 pretty much permanently, but just for that 6 year alone I believe it was 100 and some 7 million. But the slippers were doing so 8 good, I kind of projected -- I go, You know 9 what? We could be back on track to maybe get 10 a distribution. 11 In 2022, though, we lost I think it 12 was \$12 million, and then in 2023, 13 10 million. So there was no way there was a 14 distribution. 15 The slippers -- the media collapsed 16 mostly because of the attacks, I believe, by 17 the cancellations and things like that. 18 Slippers went up and then they went down 19 and... 20 Q. Okay. And so looking at these board minutes 21 here, does this fairly reflect how the board 22 minutes would look for a MyPillow board 23 meeting, not in terms of substance, just in 24 terms of the issues -- 25 A. I --</p>	<p style="text-align: right;">Page 128</p> <p>1 He is COO. I mean, other directors that were 2 on there that that's their only thing, these 3 outside board -- like Bob Roepke on there, 4 that's all he did. He would just come in and 5 hear the board meeting and it would be 6 very -- you know, usually the board meetings 7 would last two to five hours, you know. 8 Q. I appreciate you -- your informing us that 9 this is kind of a small sample of what the 10 board would review. I'll tell you this is 11 what has been produced to us. So we'll be 12 seeking and requesting the -- 13 A. This was -- 14 (Simultaneous indiscernible crosstalk.) 15 A. No, this was a shorter -- this was a shorter 16 meeting, it looks like. Everything is in the 17 minutes. This looks like a very short one 18 because -- you know, I don't know. I don't 19 know why. This looks like a very short 20 meeting compared to any other meetings we've 21 ever been in. I don't know how much -- you 22 know what I mean? That's all. 23 Q. Understood. Understood. 24 Okay. Mr. Lindell, I'm getting 25 ready to move to a new topic, but I see it's</p>



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<p style="text-align: right;">Page 129</p> <p>1 12:15 here, 1:15 for you. It's been about an</p> <p>2 hour and 15. I would like to give everyone a</p> <p>3 break and go off the record.</p> <p>4 THE VIDEOGRAPHER: We are going off</p> <p>5 the record 12:14 p.m.</p> <p>6 (A recess was taken.)</p> <p>7 THE VIDEOGRAPHER: We are back on</p> <p>8 the record 12:47 p.m.</p> <p>9 BY MR. FREY:</p> <p>10 Q. Okay. Mr. Lindell, back on the record.</p> <p>11 We're going to change topics now to topic</p> <p>12 number 6, which is MyPillow's financial</p> <p>13 statements and business performance from</p> <p>14 January 1, 2016 to the present.</p> <p>15 What, if anything, did you do to</p> <p>16 prepare yourself to testify as to this topic</p> <p>17 today?</p> <p>18 A. I didn't do anything to testify -- or to</p> <p>19 prepare. I'm -- I'm very knowledgeable on</p> <p>20 anything you're going to ask me.</p> <p>21 MR. FREY: So the first thing I'm</p> <p>22 going to do is mark for the record various</p> <p>23 financial statements that have been produced</p> <p>24 to us. So the first will be Exhibit 727.</p> <p>25 This has a Bates identifier of 030740.</p>	<p style="text-align: right;">Page 131</p> <p>1 DEF030746.</p> <p>2 (Deposition Exhibit 730 was marked for identification.)</p> <p>3 BY MR. FREY:</p> <p>4 Q. And do you see this one, Mr. Lindell, is</p> <p>5 MyPillow Inc. Profit &amp; Loss January through</p> <p>6 December 2021?</p> <p>7 A. Yes.</p> <p>8 MR. FREY: Then the final one will</p> <p>9 be Exhibit 731, Bates identifier 030748.</p> <p>10 (Deposition Exhibit 731 was marked for identification.)</p> <p>11 BY MR. FREY:</p> <p>12 Q. And this is MyPillow, Inc. Profit &amp; Loss</p> <p>13 January through December 2022. Do you see</p> <p>14 that?</p> <p>15 A. Yeah.</p> <p>16 Q. Mr. Lindell, looking at Exhibits 727 to 731,</p> <p>17 do you recognize these documents?</p> <p>18 A. Yes.</p> <p>19 Q. Have you seen these documents before?</p> <p>20 A. No, I don't believe so. I recognize them</p> <p>21 what they are, yeah.</p> <p>22 Q. Okay. Do you know how these documents were</p> <p>23 created?</p> <p>24 A. No.</p> <p>25 Q. Do you know who would keep these types of</p>
<p style="text-align: right;">Page 130</p> <p>1 (Deposition Exhibit 727 was marked for identification.)</p> <p>2 BY MR. FREY:</p> <p>3 Q. And do you see this document? It's titled</p> <p>4 MyPillow, Inc. Profit &amp; Loss --</p> <p>5 A. Yep.</p> <p>6 Q. -- January through December 2018?</p> <p>7 A. Yep.</p> <p>8 MR. FREY: The next document will</p> <p>9 be Exhibit 728, Bates identifier DEF030742.</p> <p>10 (Deposition Exhibit 728 was marked for identification.)</p> <p>11 BY MR. FREY:</p> <p>12 Q. Ms. Loftus put that up. Do you see this is</p> <p>13 the same thing, MyPillow, Inc. Profit &amp; Loss</p> <p>14 January through December 2019?</p> <p>15 A. Yep.</p> <p>16 MR. FREY: The next document,</p> <p>17 Exhibit 729, has Bates identifier DEF030744.</p> <p>18 (Deposition Exhibit 729 was marked for identification.)</p> <p>19 BY MR. FREY:</p> <p>20 Q. And do you see this, Mr. Lindell, is the</p> <p>21 profit and loss statement January through</p> <p>22 December 2020?</p> <p>23 A. Yes.</p> <p>24 MR. FREY: The next one will be</p> <p>25 Exhibit 730. This has Bates identifier</p>	<p style="text-align: right;">Page 132</p> <p>1 records for MyPillow?</p> <p>2 A. Probably my CPA.</p> <p>3 Q. Would that be your outside accountant?</p> <p>4 A. Right. Right.</p> <p>5 Q. And who is that?</p> <p>6 A. I think -- I think this -- I think this gets</p> <p>7 put into QuickBooks. This would be my guess,</p> <p>8 put into QuickBooks, and he has viewership of</p> <p>9 it, as does our -- whoever in charge of</p> <p>10 accounting at that time internally.</p> <p>11 Q. Okay. So does MyPillow use QuickBooks for</p> <p>12 its accounting system?</p> <p>13 A. I believe so.</p> <p>14 Q. And so this would be a report, then, that</p> <p>15 could be run off of QuickBooks?</p> <p>16 A. That's what -- where it looks like it came</p> <p>17 from, yes.</p> <p>18 Q. Do you know whether you could run a similar</p> <p>19 report off of QuickBooks for the year 2023?</p> <p>20 A. I don't know. I would assume so. Don't you</p> <p>21 have 2023?</p> <p>22 Q. No. This is the last year that we have these</p> <p>23 detailed --</p> <p>24 A. Okay.</p> <p>25 Q. -- type statements.</p>

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<p style="text-align: right;">Page 133</p> <p>1 And the same question, I guess,</p> <p>2 then for 2024. If this was just run off of</p> <p>3 QuickBooks, would you be able to produce a</p> <p>4 similar report for 2024?</p> <p>5 A. I -- I would say that for sure 2023. I don't</p> <p>6 know if -- 2024 has been in disarray because,</p> <p>7 like I say, we've been -- we've switched --</p> <p>8 we don't even have a controller and we've</p> <p>9 been going day by day.</p> <p>10 And it's been so much work because</p> <p>11 we borrowed everything I have had to the</p> <p>12 company, everything any place else we could</p> <p>13 borrow money.</p> <p>14 So I think the -- I don't know if</p> <p>15 all the inner company -- or inner things have</p> <p>16 been put in there or not. I don't know how</p> <p>17 accurate they would be. But I'm sure you</p> <p>18 could run off anything.</p> <p>19 But I think 2023 is done because I</p> <p>20 know the tax return got -- just got finished</p> <p>21 and it was a \$12 million loss, I believe.</p> <p>22 Q. And in terms of entering these numbers into</p> <p>23 QuickBooks, are there any policies in place</p> <p>24 or procedures that MyPillow uses to make sure</p> <p>25 that this data generated would be accurate?</p>	<p style="text-align: right;">Page 135</p> <p>1 December 31, 2019, correct?</p> <p>2 A. Yeah.</p> <p>3 MR. FREY: The next one,</p> <p>4 Exhibit 734, is DEF030743.</p> <p>5 (Deposition Exhibit 734 was marked for identification.)</p> <p>6 BY MR. FREY:</p> <p>7 Q. MyPillow, Inc. Balance Sheet as of</p> <p>8 December 31, 2020. Do you see that?</p> <p>9 A. Yeah.</p> <p>10 MR. FREY: Exhibit 735 will be</p> <p>11 Bates identifier DEF030745.</p> <p>12 (Deposition Exhibit 735 was marked for identification.)</p> <p>13 BY MR. FREY:</p> <p>14 Q. This is the MyPillow, Inc. Balance Sheet as</p> <p>15 of December 31, 2021, correct?</p> <p>16 A. Yep.</p> <p>17 MR. FREY: The last one will be</p> <p>18 Exhibit 736, Bates identifier 030747.</p> <p>19 (Deposition Exhibit 736 was marked for identification.)</p> <p>20 BY MR. FREY:</p> <p>21 Q. And this is the MyPillow, Inc. Balance Sheet</p> <p>22 as of December 31, 2022, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And so, again, for these balance sheet</p> <p>25 exhibits, 732 through 736, do you recognize</p>
<p style="text-align: right;">Page 134</p> <p>1 A. I don't know if it comes in automated or not.</p> <p>2 I don't know the -- I don't know if some of</p> <p>3 them are auto generated by the systems we</p> <p>4 have with our call center and our website. I</p> <p>5 have no idea. Otherwise, people -- if people</p> <p>6 manually put them in. I don't know the</p> <p>7 procedures in accounting.</p> <p>8 Q. And you didn't -- you didn't do anything to</p> <p>9 check on that before this deposition today,</p> <p>10 right?</p> <p>11 A. No.</p> <p>12 MR. FREY: The next set of exhibits</p> <p>13 I want to get on the record are balance</p> <p>14 sheets. So the first one will be Exhibit</p> <p>15 732, Bates numbered DEF030739.</p> <p>16 (Deposition Exhibit 732 was marked for identification.)</p> <p>17 BY MR. FREY:</p> <p>18 Q. Do you see this says, "MyPillow, Inc. Balance</p> <p>19 Sheet as of December 31, 2018"?</p> <p>20 A. Yep.</p> <p>21 MR. FREY: The next one will be</p> <p>22 Exhibit 733, Bates identifier DEF030741.</p> <p>23 (Deposition Exhibit 733 was marked for identification.)</p> <p>24 BY MR. FREY:</p> <p>25 Q. This is MyPillow, Inc. Balance Sheet as of</p>	<p style="text-align: right;">Page 136</p> <p>1 these documents as balance sheets for</p> <p>2 MyPillow, Inc.?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know how these balance sheets were</p> <p>5 created?</p> <p>6 A. Probably the same way as the other stuff.</p> <p>7 And, yes, we could probably get you 2023 now.</p> <p>8 They're all done. I would love for you to</p> <p>9 see 2023 also.</p> <p>10 Q. And to your knowledge, would these records,</p> <p>11 these numbers that are in here, be kept in</p> <p>12 the ordinary course of MyPillow, Inc.'s</p> <p>13 business?</p> <p>14 A. Yes.</p> <p>15 Q. So then -- oh, one other question on that.</p> <p>16 Have MyPillow's financial reports, such as</p> <p>17 these balance sheet statements or the profit</p> <p>18 and loss statements we just looked at, ever</p> <p>19 been audited by an outside accountant?</p> <p>20 A. I don't know. Um, I don't know. I know our</p> <p>21 CPA, an outside accountant, he has to go</p> <p>22 through them every year and that's what takes</p> <p>23 so long. That's why '23 took so long. So my</p> <p>24 answer is yes.</p> <p>25 The CPA goes through everything</p>

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<p style="text-align: right;">Page 137</p> <p>1 and -- and that's why it took a long time to</p> <p>2 get '23 done, because of we had different</p> <p>3 controllers and different things and there</p> <p>4 was a lot of work put into it.</p> <p>5 So the answer is, yes, every year.</p> <p>6 Q. And who is that accountant? Who is that</p> <p>7 outside CPA?</p> <p>8 A. It's Storms -- Storms &amp; Alpaugh. Storms &amp;</p> <p>9 Alpaugh is the name of the firm.</p> <p>10 Q. We'll see something in a minute that I think</p> <p>11 they did do for one set of the years.</p> <p>12 MR. FREY: So the next ones I want</p> <p>13 to mark, just so we get them on the record,</p> <p>14 will be the sales by customer summaries. The</p> <p>15 first one, Exhibit 737, has Bates identifier</p> <p>16 DEF030750.</p> <p>17 (Deposition Exhibit 737 was marked for identification.)</p> <p>18 BY MR. FREY:</p> <p>19 Q. And do you see this is MyPillow, Inc. Sales</p> <p>20 by Customer Summary January through December</p> <p>21 2018?</p> <p>22 A. Yes.</p> <p>23 MR. FREY: The next one,</p> <p>24 Exhibit 738, will be Bates identifier</p> <p>25 DEF030751.</p>	<p style="text-align: right;">Page 139</p> <p>1 MR. KACHOUROFF: Sorry to interrupt</p> <p>2 you, Tim.</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. KACHOUROFF: Mike, I told you</p> <p>5 we're putting Bates numbers on those and</p> <p>6 we're going to be submitting all that to</p> <p>7 Mr. Frey.</p> <p>8 THE WITNESS: Okay. The reason I</p> <p>9 ask is because Wal-Mart is gone. I said --</p> <p>10 but Wal-Mart didn't leave until right</p> <p>11 after -- they left in early '22, so that</p> <p>12 was -- I was just curious. But yes.</p> <p>13 BY MR. FREY:</p> <p>14 Q. And -- so do you recognize these documents as</p> <p>15 something that would be, I guess, similar to</p> <p>16 the balance sheets and the P&amp;L reports,</p> <p>17 something that is maintained in, I guess,</p> <p>18 QuickBooks?</p> <p>19 A. Correct.</p> <p>20 Q. And for the sales by customer, do you know</p> <p>21 how this information is gathered?</p> <p>22 A. Sales by customer? Well, we're EDI</p> <p>23 compliant. I think all the orders coming</p> <p>24 through, it's all tracked through computers</p> <p>25 and that's how this number would come about,</p>
<p style="text-align: right;">Page 138</p> <p>1 (Deposition Exhibit 738 was marked for identification.)</p> <p>2 BY MR. FREY:</p> <p>3 Q. And it's a sales by customer summary for</p> <p>4 2019, correct?</p> <p>5 A. Yeah. Yes.</p> <p>6 MR. FREY: Exhibit 739 will be</p> <p>7 DEF030752.</p> <p>8 (Deposition Exhibit 739 was marked for identification.)</p> <p>9 BY MR. FREY:</p> <p>10 Q. And this is the sales by customer summary for</p> <p>11 January through December 2020, correct?</p> <p>12 A. Yes.</p> <p>13 MR. FREY: And then finally,</p> <p>14 Exhibit 740 will be DEF030753.</p> <p>15 (Deposition Exhibit 740 was marked for identification.)</p> <p>16 BY MR. FREY:</p> <p>17 Q. And this will be the sales by customer</p> <p>18 summary for January through December of 2021,</p> <p>19 correct?</p> <p>20 A. Yep.</p> <p>21 Q. And do you recognize these documents?</p> <p>22 A. Why don't you have '22 on there?</p> <p>23 Q. That has not been produced to us. These are</p> <p>24 all of the --</p> <p>25 (Simultaneous indiscernible crosstalk.)</p>	<p style="text-align: right;">Page 140</p> <p>1 I would imagine.</p> <p>2 Q. Okay. So those would be indirectly --</p> <p>3 A. The whole -- the whole -- the wholesalers to</p> <p>4 the box stores I know is all a different</p> <p>5 system. I believe it's called EDI compliant,</p> <p>6 but I couldn't -- and that's all automated, I</p> <p>7 believe. I believe. I'm not positive, but I</p> <p>8 do believe that. I believe it's connected to</p> <p>9 our QuickBooks, as other things could be. I</p> <p>10 think these numbers come in automatically,</p> <p>11 you know. So that would be my guess on that.</p> <p>12 Q. Okay.</p> <p>13 MR. FREY: And then I just have two</p> <p>14 more to mark. The first one will be</p> <p>15 Exhibit 741. This is produced with Bates</p> <p>16 identifier MCK012216.</p> <p>17 (Deposition Exhibit 741 was marked for identification.)</p> <p>18 BY MR. FREY:</p> <p>19 Q. And do you see this? This is a letter from</p> <p>20 Storms &amp; Alpaugh to the board of directors of</p> <p>21 MyPillow with accompanying financial</p> <p>22 statements for the year ended December 31,</p> <p>23 2022 and 2021.</p> <p>24 A. Okay.</p> <p>25 Q. Do you see that?</p>

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<p style="text-align: right;">Page 141</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. Do you recognize this document from</p> <p>3 Storms &amp; Alpaugh?</p> <p>4 A. No.</p> <p>5 Q. Do you -- I guess if you don't recognize it,</p> <p>6 you don't recall ever seeing this document</p> <p>7 before?</p> <p>8 A. No, I don't. You know, maybe I did. I don't</p> <p>9 recall, but that's fine.</p> <p>10 Q. Okay.</p> <p>11 MR. FREY: And then -- so we'll put</p> <p>12 in the next one, which is Exhibit 742,</p> <p>13 MCK01220.</p> <p>14 (Deposition Exhibit 742 was marked for identification.)</p> <p>15 BY MR. FREY:</p> <p>16 Q. And you see this is the same? It's another</p> <p>17 letter from Storms &amp; Alpaugh and it attaches</p> <p>18 financial statements for the year ended</p> <p>19 December 31, 2023 and 2022.</p> <p>20 A. Okay.</p> <p>21 Q. Do you recall ever receiving this letter,</p> <p>22 this document?</p> <p>23 A. No, but I'm sure I did.</p> <p>24 Q. Do you have any reason to doubt that the</p> <p>25 information provided in this document was</p>	<p style="text-align: right;">Page 143</p> <p>1 yeah, they went through everything for over</p> <p>2 two years. It's still ongoing, so... That's</p> <p>3 why they've got millions of dollars' worth of</p> <p>4 liens on everything I have left, which is</p> <p>5 nothing, so...</p> <p>6 I have no idea. It's -- all I know</p> <p>7 is Storms &amp; Alpaugh, they look at their own</p> <p>8 thing. He brings up questions. He brings --</p> <p>9 but so there's -- the only third-party audit</p> <p>10 I would think would be the IRS, if they</p> <p>11 included MyPillow in their big witch-hunt.</p> <p>12 Q. Is there anyone at MyPillow who would have</p> <p>13 more knowledge as to whether MyPillow's</p> <p>14 financials had been audited by a private</p> <p>15 third party?</p> <p>16 A. They never have been audited by a private</p> <p>17 third party other than Storms &amp; Alpaugh and</p> <p>18 maybe the IRS.</p> <p>19 Q. And -- but here Storms &amp; Alpaugh is saying</p> <p>20 that they didn't audit them, so I'm just</p> <p>21 wondering if --</p> <p>22 A. So whatever -- whatever you -- so then the</p> <p>23 answer is no.</p> <p>24 Q. The answer is, no, they have not been</p> <p>25 subjected to an audit --</p>
<p style="text-align: right;">Page 142</p> <p>1 provided to MyPillow, Inc.?</p> <p>2 A. No, it was. It looks -- I would say a</p> <p>3 hundred percent it was.</p> <p>4 Q. And looking at the cover letter here, it</p> <p>5 says, "The accompanying financial statements</p> <p>6 of MyPillow, Inc. as and for the year ended</p> <p>7 December 31, 2023 and 2022 were not subjected</p> <p>8 to an audit, review, or compilation</p> <p>9 engagement by us and, accordingly, we do not</p> <p>10 express an opinion, a conclusion, or provide</p> <p>11 any assurance on them."</p> <p>12 Correct?</p> <p>13 A. Correct.</p> <p>14 Q. So would this be, I guess, the same as to</p> <p>15 what Storms &amp; Alpaugh were doing in prior</p> <p>16 years, where they would --</p> <p>17 A. Well, let me --</p> <p>18 (Simultaneous indiscernible crosstalk)</p> <p>19 Q. -- statements, but not audit them?</p> <p>20 A. I have no idea. All I know is that I got an</p> <p>21 IRS audit. Is that a third party?</p> <p>22 Q. Is that -- was the IRS audit for yourself or</p> <p>23 for MyPillow, Mr. Lindell?</p> <p>24 A. I guess -- I guess it was for me. I don't</p> <p>25 know if they're pulling out of MyPillow, but,</p>	<p style="text-align: right;">Page 144</p> <p>1 A. No.</p> <p>2 Q. -- correct?</p> <p>3 A. What are you suggesting here?</p> <p>4 Q. I'm just -- I'm asking -- I'm just asking</p> <p>5 questions to understand.</p> <p>6 A. Understand what? You think we doctored</p> <p>7 something? Just keep moving on. That's</p> <p>8 fine. No, they have not been audited by a</p> <p>9 third party. We're not subject to that, to</p> <p>10 auditing by a third party. We have to answer</p> <p>11 to the IRS that we do our books morally right</p> <p>12 and a hundred percent accurate. So there.</p> <p>13 Now keep going.</p> <p>14 Q. The next question -- or the next line says,</p> <p>15 "Management has elected to omit substantially</p> <p>16 all of the disclosures ordinarily included in</p> <p>17 financial statements prepared in accordance</p> <p>18 with the income tax basis of accounting."</p> <p>19 Do you see that?</p> <p>20 A. Yep.</p> <p>21 Q. Do you know why management elected to omit</p> <p>22 substantially all of the disclosures</p> <p>23 ordinarily included in financial statements</p> <p>24 prepared in accordance with the income tax --</p> <p>25 A. If you --</p>

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<p style="text-align: right;">Page 145</p> <p>1 Q. -- basis of accounting?</p> <p>2 A. If you ask me, this is a -- this is -- they</p> <p>3 put this out to all their companies where</p> <p>4 they don't do the audit. I think it's a</p> <p>5 canned statement, if I recall, that's --</p> <p>6 anybody will put there.</p> <p>7 We haven't elected to omit</p> <p>8 anything, so I don't know what this means.</p> <p>9 You'd have to ask Storms &amp; Alpaugh. Any</p> <p>10 other company --</p> <p>11 MR. KACHOUROFF: I'd like to lodge</p> <p>12 an objection. If you read the entire</p> <p>13 paragraph, I think the context is there.</p> <p>14 THE WITNESS: Right. "Were</p> <p>15 included in" -- "If the omitted disclosures</p> <p>16 were included in the financial statement,</p> <p>17 they might influence the user's conclusion</p> <p>18 about the company..."</p> <p>19 So I don't -- I have no idea what</p> <p>20 they're talking about there. You'd have to</p> <p>21 ask Storms &amp; Alpaugh. We give them</p> <p>22 everything every year. I have had the same</p> <p>23 accountant. Here you go.</p> <p>24 So I don't know what this means and</p> <p>25 I don't know what -- what -- omitting what, I</p>	<p style="text-align: right;">Page 147</p> <p>1 know. I have no idea. Maybe they were</p> <p>2 omitted because the IRS has those -- has this</p> <p>3 stuff. I have no idea. You'd have to ask</p> <p>4 them.</p> <p>5 You know, we were in the middle of</p> <p>6 a full-blown IRS audit, so, you know, maybe</p> <p>7 that's the things that were omitted. I don't</p> <p>8 know if there was anything omitted. I don't</p> <p>9 know what he's talking about there. You'd</p> <p>10 have to ask him. It's the craziest thing</p> <p>11 I've ever...</p> <p>12 Q. When you received -- when MyPillow received</p> <p>13 this from Storms &amp; Alpaugh, did you ask what</p> <p>14 are you talking about in this sentence here?</p> <p>15 A. I never -- I've never read this in my life</p> <p>16 and I -- who knows who got this? Like I say,</p> <p>17 we had four different controllers. You guys</p> <p>18 might be the only ones that got it in</p> <p>19 discovery. I have no idea. That that's put</p> <p>20 on our tax returns, I have no idea.</p> <p>21 Q. This wouldn't be something that the board of</p> <p>22 directors would review in the course of its</p> <p>23 duties?</p> <p>24 THE WITNESS: Kendra -- hold on.</p> <p>25 My wife is here.</p>
<p style="text-align: right;">Page 146</p> <p>1 have no idea. Maybe that's a third-party</p> <p>2 audit. So maybe that's what he's talking</p> <p>3 about.</p> <p>4 BY MR. FREY:</p> <p>5 Q. Do you know why these -- these were created</p> <p>6 by Storms &amp; Alpaugh, these Exhibits 741 and</p> <p>7 742?</p> <p>8 A. I have no idea. Ask them. I have no idea.</p> <p>9 Q. Well, you're -- you're the representative of</p> <p>10 MyPillow and they're the financial statements</p> <p>11 for MyPillow. So why did --</p> <p>12 A. Yeah.</p> <p>13 Q. -- MyPillow submit these documents to an</p> <p>14 outside accountant and have them prepare the</p> <p>15 financial statements?</p> <p>16 A. He's our -- he's our CPA. He does all our</p> <p>17 tax returns for everybody that -- pretty much</p> <p>18 everyone in the company. He does our</p> <p>19 company. I don't know what you're asking me.</p> <p>20 Q. I'm just asking you the reason these</p> <p>21 documents were created.</p> <p>22 A. I have no idea. You'd have to ask Storms &amp;</p> <p>23 Alpaugh. I have absolutely no idea. Why</p> <p>24 don't you check? Did you get one for 2016 or</p> <p>25 20 -- I mean, did you -- I mean, I don't</p>	<p style="text-align: right;">Page 148</p> <p>1 What?</p> <p>2 UNIDENTIFIED SPEAKER: Your food is</p> <p>3 right --</p> <p>4 THE WITNESS: Okay. That's fine.</p> <p>5 Okay. Thank you, honey.</p> <p>6 What's the question now?</p> <p>7 BY MR. FREY:</p> <p>8 Q. My question was whether these would be</p> <p>9 something, financial statements such as</p> <p>10 these --</p> <p>11 MR. FREY: And, Julie, can you</p> <p>12 scroll down so Mr. Lindell can see the</p> <p>13 statements themselves?</p> <p>14 Q. -- would be reviewed by the board of</p> <p>15 directors in the course of, you know,</p> <p>16 fulfilling their duties?</p> <p>17 A. Yeah, the board -- we get these reports at</p> <p>18 our board of directors meeting, I believe,</p> <p>19 absolutely. These are financial reports that</p> <p>20 would come in.</p> <p>21 Q. And these are the type of financial reports</p> <p>22 that would be reviewed by the board at the</p> <p>23 meetings when they occur?</p> <p>24 A. That's correct.</p> <p>25 Q. So I wanted to get all of these on the</p>



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1 records just -- on the record just so we can  
2 be more facile.  
3 I want to talk now about the profit  
4 and loss statements. So let's look at  
5 Exhibit 730, which is the profit and loss  
6 statement for 2021, and first I just want to  
7 get an understanding or shared understanding  
8 of the terms.  
9 So if you see on the left-hand side  
10 there, one of the -- the fourth one down is  
11 gross profit. Do you see that?  
12 A. Yeah.  
13 Q. And do you understand gross profit to mean  
14 the amount made from sales after subtracting  
15 the costs of goods sold?  
16 A. Yes.  
17 Q. And in this statement here it's shown on a  
18 monthly basis, correct, what the gross  
19 profit --  
20 A. That's correct.  
21 Q. -- would be --  
22 A. Right.  
23 Q. And then if you go all the way over to the  
24 right, you'll see there is a total for the  
25 calendar year denoted?

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1 A. That's correct. Right.  
2 Q. So this document would say that for 2021,  
3 MyPillow had a gross profit of \$272,249,982,  
4 correct?  
5 A. Yes.  
6 Q. And isn't it true that this is the highest  
7 gross profit MyPillow experienced between the  
8 time period 2018 through 2024?  
9 A. I don't know. I don't know. I would --  
10 probably either that or 2020 when the --  
11 because when the -- that's when --  
12 when everything went up, two things happened:  
13 Our -- when the virus came in, I  
14 told you we went up about 3 to 4X and it  
15 stayed there and then we launched the  
16 slippers.  
17 So my guess is you're probably  
18 correct between those two things. It  
19 could've been either 2020 or 2021 with the  
20 slippers launch going into 20 -- or in '21.  
21 It was either '20 or '21, and I don't have  
22 the -- if you have the ones for '20, then I  
23 could say yes. Do you have the ones for '20?  
24 Q. Yeah, we'll pull up -- let's pull up the ones  
25 for 2020, which is Exhibit --

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1 A. Because it would have to be -- it would have  
2 to be those two years.  
3 So this is '20. What's on the  
4 right there? I'm trying to get over.  
5 Whoops. Hold on. Sorry. So that was 220.  
6 What was the one in 2021?  
7 BY MR. FREY:  
8 Q. It was 272 million.  
9 A. Right, right. So the -- so the slipper  
10 launch was a little bigger than the virus,  
11 but they're both pretty close.  
12 But, yeah, this -- the 2021 would  
13 be the biggest because it was these two years  
14 with those two things happening. That  
15 definitely was amazing.  
16 So go ahead.  
17 Q. And when -- and when did you say the slipper  
18 launch occurred?  
19 A. It was in '21, I believe. I believe it was  
20 like -- it could've been actually -- you know  
21 what? I take it back. I think it was  
22 December of '20 or November -- it was right  
23 before Christmas of 2020. I could check on  
24 that.  
25 But that's when it was, right

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1 before -- it was right before the election,  
2 actually, when the slippers launched because  
3 the summer of '20 they had problems because  
4 we couldn't have -- they had stuff that was  
5 made -- made overseas and there was problems  
6 with the fur. That was the summer of '20.  
7 And then we couldn't get -- because of the  
8 virus, they got stuck out with ships. So  
9 they arrived, I believe, October of '20.  
10 So -- yep, that's when it was, and  
11 it was -- it just -- it took -- it set the  
12 world on fire. It was awesome. They were  
13 buying slippers like crazy.  
14 Actually, we had some delay. They  
15 didn't get here until -- I believe until  
16 January of '21. Sizes were delayed because  
17 ships were stuck out to sea. And I just went  
18 over this with the slipper people.  
19 So, yeah, there was -- so that  
20 would coincide with -- with -- the virus was  
21 first and then the slippers were launched, I  
22 believe, October because they were delayed.  
23 And the ships were delayed until -- some of  
24 them didn't even get here to fulfill orders  
25 and stuff for people ordering until January,

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<p>1 February, and March of -- of '21.</p> <p>2 And then we ordered sandals and</p> <p>3 those also got delayed, but we did get those</p> <p>4 in, all-season slippers, the summer of '21.</p> <p>5 So -- so, yeah, that would be --</p> <p>6 those would be our biggest two years by far.</p> <p>7 Q. Okay. And so those were first -- first</p> <p>8 launched in October 2020 and then the</p> <p>9 shipment came in early the next year and then</p> <p>10 they were in the --</p> <p>11 A. Yeah. They got really big in -- going into</p> <p>12 '21. We've -- it was -- we were missing</p> <p>13 (indiscernible) -- there was stuff we were</p> <p>14 missing, so we couldn't go as broad as we</p> <p>15 wanted to in November -- October, November,</p> <p>16 December of '20.</p> <p>17 And then -- and then you had</p> <p>18 January, February, March of '21. The spring</p> <p>19 of '21 got really big. But December -- or in</p> <p>20 2020 they were big, too, when they first</p> <p>21 launched. And slippers --</p> <p>22 (Simultaneous indiscernible crosstalk)</p> <p>23 A. Slippers went strong for -- slippers went</p> <p>24 strong. They lasted about -- I believe about</p> <p>25 a year, over a year, which is really long for</p>	<p>1 It would start fatiguing as we started paying</p> <p>2 the higher price for those ships, which I</p> <p>3 believe was -- I would have to find the</p> <p>4 timing on that.</p> <p>5 So there is a lot of variables that</p> <p>6 go into the gross profit, so... Price</p> <p>7 point --</p> <p>8 Q. Yeah. So if we look at --</p> <p>9 (Simultaneous indiscernible crosstalk.)</p> <p>10 Q. If we look at --</p> <p>11 A. Go ahead.</p> <p>12 Q. If we look at the gross profit, then, for --</p> <p>13 on a month-over-month basis, January it's</p> <p>14 about --</p> <p>15 MR. FREY: Can you slide over?</p> <p>16 BY MR FREY:</p> <p>17 Q. -- January it's about 16 million.</p> <p>18 A. Uh-huh.</p> <p>19 Q. And then February of 2021 it goes up to</p> <p>20 42.6 million, right?</p> <p>21 A. Right. Yeah.</p> <p>22 Q. And then March is back down at 21 million?</p> <p>23 A. Uh-huh. Right.</p> <p>24 Q. And then it looks like it stays at -- April</p> <p>25 is, I guess, 13 million -- or 13.7 million,</p>
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<p>1 a product to last and not start fatiguing.</p> <p>2 Q. So the slippers were part of the gross</p> <p>3 profits for that year kind of throughout the</p> <p>4 year 2021?</p> <p>5 A. Oh, yeah. And then when they came in, yeah,</p> <p>6 they were big. I mean, they -- and they</p> <p>7 were -- and we were getting -- realize that</p> <p>8 we were getting \$70 for a pair, and then as</p> <p>9 things fatigue you start lowering the price,</p> <p>10 putting them on sale.</p> <p>11 So you're going to see a pretty big</p> <p>12 increase in gross profit. That would explain</p> <p>13 like going -- going into '21 and late 2020,</p> <p>14 your gross profits would go up because of the</p> <p>15 price point we had on slippers was higher.</p> <p>16 So you have a -- your gross</p> <p>17 profit -- because your product cost was</p> <p>18 really good, but then we did have -- we did</p> <p>19 have problems because ships then were \$25,000</p> <p>20 a container and they used to be 5,000,</p> <p>21 because of the shipping problems that we had</p> <p>22 with -- that was everybody's problem, not</p> <p>23 just MyPillow.</p> <p>24 So they -- when you -- you had that</p> <p>25 problem, so the gross profit would go down.</p>	<p>1 right?</p> <p>2 A. Right.</p> <p>3 Q. And then --</p> <p>4 A. And that would be -- and then it went back up</p> <p>5 to 24.</p> <p>6 So like in April, my guess, if I</p> <p>7 looked into it, we probably had to change --</p> <p>8 the slippers starting fatiguing because now</p> <p>9 you're into April. It's typically a winter</p> <p>10 product.</p> <p>11 And then we were waiting to get the</p> <p>12 all-season ones in. So by May we were able</p> <p>13 to correct itself and -- because now we have</p> <p>14 the all-season slippers.</p> <p>15 So you jumped up about -- it looks</p> <p>16 like from about 13 to 24. That's a big jump.</p> <p>17 That's cool. Yep.</p> <p>18 Q. Yeah. And -- but in February, right, it's</p> <p>19 42, which is --</p> <p>20 (Simultaneous indiscernible crosstalk.)</p> <p>21 A. That's when all the --</p> <p>22 (Simultaneous indiscernible crosstalk)</p> <p>23 A. Right. That's when all the slippers --</p> <p>24 right. That's when all the slippers -- the</p> <p>25 majority of them got here with the other</p>

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<p style="text-align: right;">Page 157</p> <p>1 sizes in February.</p> <p>2 So our profit margin is better when</p> <p>3 you have cost of goods sold, you know.</p> <p>4 They -- you can just see the pattern when it</p> <p>5 just fatigues and then we launched the</p> <p>6 all-season in May, you know.</p> <p>7 Q. But it never jumps as high as that</p> <p>8 42 million, right, which is about 13 million</p> <p>9 higher than any other month --</p> <p>10 A. Yeah, that was --</p> <p>11 (Simultaneous indiscernible crosstalk.)</p> <p>12 A. Like I say, people waited -- people waited a</p> <p>13 long time for them slippers, though. I mean,</p> <p>14 there was a big demand. That was our</p> <p>15 number-one product. I mean, it just overtook</p> <p>16 everything. They were -- people loved the</p> <p>17 slippers.</p> <p>18 Q. February 2021 is also when you published your</p> <p>19 Absolute Proof movie, correct?</p> <p>20 A. Yeah, but I didn't do any advertising in it.</p> <p>21 There was no MyPillow advertising for my --</p> <p>22 for Absolute Proof. They had nothing to do</p> <p>23 with that. MyPillow had nothing to do with</p> <p>24 Absolute Proof. There were no ads. That was</p> <p>25 a movie that I put out myself as Mike</p>	<p style="text-align: right;">Page 159</p> <p>1 jump, from 7, to 14, to 34.</p> <p>2 You've got to do your commercials,</p> <p>3 and the stuff I do -- and it depends on our</p> <p>4 product launch there. That's the way --</p> <p>5 MyPillow has always built on here's your</p> <p>6 product launch, what you paid for it.</p> <p>7 Just because -- I'll give an</p> <p>8 example. Just like Fox -- let's say Fox,</p> <p>9 we'll use Fox for an example. Just because a</p> <p>10 product is successful, it might only be</p> <p>11 successful at buying 500,000 dollars' worth</p> <p>12 of media because you've got to at least do a</p> <p>13 break-even, which is like a 1.6, depending on</p> <p>14 the product.</p> <p>15 If you have a product that has a</p> <p>16 good product cost, like those slippers, you</p> <p>17 can expand on the media. You can buy a lot</p> <p>18 more media, like on Fox, ABC.</p> <p>19 When you get to broadcast, which is</p> <p>20 every city, like ABC, CBS, NBC, you get into</p> <p>21 that and then the sky is the limit. You can</p> <p>22 open it up more.</p> <p>23 But you're not going to buy media</p> <p>24 at a loss, so I'm not -- and plus you've</p> <p>25 got -- it's how much you can get in, how much</p>
<p style="text-align: right;">Page 158</p> <p>1 Lindell. It had nothing to do with MyPillow.</p> <p>2 There wasn't any advertising on Absolute</p> <p>3 Proof, that's for sure. And there was --</p> <p>4 absolutely zero.</p> <p>5 Q. We'll come back -- we'll come back to that.</p> <p>6 I just wanted to confirm that this February</p> <p>7 2021 is your highest month of gross profit, I</p> <p>8 think, for the time period we have financial</p> <p>9 statements, for any time, correct?</p> <p>10 A. Right.</p> <p>11 Q. That's right? Okay.</p> <p>12 A. Well, for this, what I am looking at here for</p> <p>13 2021, correct. I mean, if you went back to</p> <p>14 2020 to see when the virus -- why don't we go</p> <p>15 to 2020 here. I want to check something.</p> <p>16 Usually you can find out the reason</p> <p>17 why. It's either a product launch or -- so</p> <p>18 if we go to -- you see where it jumped to 33?</p> <p>19 In March -- you've got a jump in February</p> <p>20 from 7 to March of 14.</p> <p>21 When -- with the 33 million, that's</p> <p>22 when I say I did more advertising on TV and I</p> <p>23 cut back on my -- on radio. This was right</p> <p>24 at the start of the virus. So that's very --</p> <p>25 that jumped up to 34 million. That's a big</p>	<p style="text-align: right;">Page 160</p> <p>1 can you get in.</p> <p>2 When you are making your product</p> <p>3 that comes from overseas, now you've got to</p> <p>4 do a balancing act. With MyPillows -- and</p> <p>5 you've got to be able to make enough.</p> <p>6 So when you're buying -- I'll give</p> <p>7 an example. Like the MySlippers, where it --</p> <p>8 normally -- the product right before that, I</p> <p>9 don't know what it was, let's say it was the</p> <p>10 My -- the mattress topper or whatever it was,</p> <p>11 when that fatigued, now at that time you</p> <p>12 might only be able to buy 200,000 dollars'</p> <p>13 worth of media that does a break-even, which</p> <p>14 means it takes in 350. That's including</p> <p>15 product costs and everything.</p> <p>16 With the slippers, when they came</p> <p>17 out, we were doing 3s, 4s. It was crazy</p> <p>18 numbers, but then as you expanded out and</p> <p>19 bought more media, that number reduces down</p> <p>20 to maybe a 2 to 1. And when it starts</p> <p>21 fatiguing, you can only buy X amount of</p> <p>22 media.</p> <p>23 Every media reacts differently.</p> <p>24 So -- like right now as we sit here this</p> <p>25 morning, we only have one product out right</p>

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<p style="text-align: right;">Page 161</p> <p>1 now, our new mattress topper, so I can only 2 buy 300,000 dollars worth of media and it 3 barely breaks even right now because that's 4 such -- with MyPillow. 5 So that's why you see our gross 6 thing -- everything down now is because of 7 we -- the time of the year right now, too, in 8 August, but also because you can only buy X 9 amount. We go up and down by our products, 10 what we pay to get our ads, and what we get 11 for our return. 12 So when you see this jump there, 13 that's very explainable there. And just like 14 the one in '21 with the My -- with the 15 MySlipper launch, you have two changes there. 16 We hadn't launched a product like MySlippers 17 ever. That was two years in the making, by 18 the way, with the impact and everything that 19 went into it. 20 Q. Mr. Lindell, I think -- you started talking 21 about the jump in April of 2020 and you said 22 that was tied to changing the kind of 23 marketing platforms you were using? 24 A. No. You were able -- no. You were able to 25 buy more media on -- on TV.</p>	<p style="text-align: right;">Page 163</p> <p>1 There were times we spent 2, 2 3 million dollars a week and buying every ad 3 we could because it was like if you've got -- 4 if you give someone \$10 and they're going to 5 give you \$20 back, it was gold. 6 Plus our product cost was pretty 7 good -- well, it wasn't good in the beginning 8 because it took -- it was like 20-some 9 dollars to make a MyPillow, but we were 10 getting 60 or 70 dollars for it. So, I mean, 11 it's a balancing act there. 12 And they -- when -- like when -- 13 I'll give an example. When MyPillow 2.0 came 14 out, which was a year ago, when MyPillow 15 2.0 -- we launched that in January of '23. 16 We were so desperate because we're 17 hemorrhaging money everywhere. The box 18 stores had cancelled. The -- you couldn't 19 get -- nothing was working. 20 And we came out with MyPillow 2.0. 21 Now, I expected that to last over a year, and 22 it lasted four months. So for four months we 23 actually -- you know, we were able to buy 24 media and get a return on it. 25 If a commercial doesn't make a</p>
<p style="text-align: right;">Page 162</p> <p>1 So whatever products we had then, I 2 believe the products then was the -- I think 3 it was the MyMattress Topper. We couldn't 4 buy MyPillow -- very little of MyPillow 5 because it had ran for so long. 6 So let's say -- in April what 7 happened was because the -- when -- when all 8 of media, ABC, NBC, they all dropped their 9 prices for ads, where before -- now I could 10 buy more ads. 11 Instead of buying 300,000 a week, I 12 was able to buy \$2 million in one week, which 13 produces 4 million or 5 million in sales. 14 You understand, it's all about what you pay 15 and what you get back. 16 So there was more 300 batters then, 17 you know, and I took advantage of that. I 18 bought -- I said, Buy it all. We're going 19 to -- like when MyPillow first came out in 20 2014, when I got that one-minute commercial 21 to work, I bought everything in the country. 22 I mean everything. And then we found out 23 what didn't work and what worked. There was 24 very few that didn't work. So you bought 25 everything.</p>	<p style="text-align: right;">Page 164</p> <p>1 break-even, you flush it down the toilet. 2 You don't hope that it gets more the more 3 it's seen. No. You take it and you flush 4 it, whatever it costs you to make that 5 commercial. If it -- and it happens all the 6 time, we make a new commercial. 7 MyPillow 2.0, which was the man in 8 the mirror. You open it up and you go, 9 Megan, Megan, he's back. We made that 10 commercial. It was very expensive to make, 11 but it was successful. We were able to buy 12 ads. 13 We had a profitable month then 14 in -- I believe it was March of '23, where we 15 took in -- we made like a couple million 16 dollars in profit and -- but then that 17 fatigued. 18 And now if you can't buy media, 19 your -- your sales go down because we don't 20 have the box stores anymore for that -- 21 Q. Mr. Lindell -- 22 A. We lost those channels. Right. 23 Q. So I believe you were talking about the spike 24 there in April of 2020, right? 25 And isn't -- is it true that also</p>



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<p style="text-align: right;">Page 165</p> <p>1 at March 30th, 2020 you appeared in the Rose 2 Garden with President Trump to discuss the 3 response to the Corona virus? Just yes or 4 no. 5 A. Right. And what we were doing with our -- we 6 were making masks at the time and we turned 7 MyPillow over to making masks, and that was 8 at the same time -- almost the same time when 9 they switched -- when everybody was going 10 into quarantine. 11 And -- but, yeah, I spoke there 12 then and I was attacked for one week. One 13 week straight I did 109 interviews. I was 14 attacked by every outlet in the country 15 because I mentioned God from the Rose Garden. 16 Q. And at that same time you had a big spike in 17 gross profits, right? 18 A. Our -- our sales went up with it, but it 19 coincided with the China virus, with the -- I 20 mean with the virus. So, you know, yeah, we 21 spiked, but we -- we -- half our company was 22 making masks. Yeah. Our direct sales spiked 23 at that time, and that was -- but you've got 24 to realize -- you've got to realize what I 25 had already done is shut down radio.</p>	<p style="text-align: right;">Page 167</p> <p>1 you -- I don't know what you want to say 2 about that. 3 Q. Have you ever attributed, you know, 4 supporting President Trump or appearing with 5 President Trump to an increase in your 6 business? 7 A. No. It's been -- it's been loss, loss, loss. 8 You know, do I look back and say would I 9 change anything? I wouldn't change anything, 10 but they -- it's hurt MyPillow beyond 11 anything you could imagine. 12 But this is me. My personally out 13 here, I think that this is something much 14 bigger and that's my -- that's my 15 relationship with Jesus Christ and my 16 evangelism that I'm out there doing. 17 And I'm not going to -- I'm not 18 going to change personally what I believe in, 19 where our country is at, where Donald Trump 20 is at, and where -- and you guys all know 21 that. You've all seen me out there. 22 You know, people say to me all the 23 time, Don't you feel bad you've destroyed 24 MyPillow because of people out there? I go, 25 You know what? I'm not going to change what</p>
<p style="text-align: right;">Page 166</p> <p>1 So this is the weeks prior. I shut 2 down radio. I called all the radio in the 3 country and turned them off, and then I 4 started buying ads. 5 We bought all ads on your TV 6 because the prices went down. They went down 7 already in mid-March. We were already 8 preparing, because you're buying ads out in 9 front of this. 10 And -- now, was it good that it 11 coincided with me speaking there about -- I 12 don't know. It upset half -- or half the 13 people -- half the media was upset. The 14 other ones were saying it's good. 15 You know, I was just telling -- 16 that's the one time publicly they wanted -- 17 you know, they wanted -- they invited me 18 there to talk about that MyPillow was -- 19 turned over their company to making masks, 20 before I knew they didn't work, to the 21 country. And I decided -- I did that on my 22 own, saying what people should be doing -- 23 getting back in the Word in a nation that 24 turned its back on God. 25 So, you know, I don't know what</p>	<p style="text-align: right;">Page 168</p> <p>1 I believe in my -- I listen to -- I pray 2 about what I do and I do it as an individual, 3 and I'm not going to change on things that I 4 see with my own eyes. 5 Just like when I -- I met Donald 6 Trump personally. No one is going to tell me 7 back then -- just because the media attacked 8 me and they attacked MyPillow because I 9 backed Donald Trump, you know, because I 10 thought he would make a good president, 11 that's just wrong. And that's just me as an 12 individual. 13 Why they attacked MyPillow back 14 then? It was just disgusting. Kind of like 15 right here, to be honest with you. 16 Q. Mr. Lindell, I want to put up a new exhibit 17 for you. 18 MR. FREY: This will be Exhibit -- 19 let me try to find it -- 743. 20 (Deposition Exhibit 743 was marked for identification.) 21 BY MR. FREY: 22 Q. And this is a screen capture of an article 23 published in Business Insider, "MyPillow Guy 24 Mike Lindell: The Inside Story, in Trump's 25 Final Days."</p>



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<p style="text-align: right;">Page 169</p> <p>1 Do you -- have you seen this</p> <p>2 article before? Do you recognize this</p> <p>3 article?</p> <p>4 A. They do hit jobs on me every day. I can't</p> <p>5 read them all. Every day stuff comes out,</p> <p>6 every single day. Look at last week.</p> <p>7 Attorney General of Minnesota just attacked</p> <p>8 my charities, Lindell Recovery Network. This</p> <p>9 is not new to me.</p> <p>10 Q. Well, so if we go to page --</p> <p>11 A. You're really going to show some fake news</p> <p>12 article here? This is bizarre. Go ahead.</p> <p>13 Q. So this section is titled, "Trump has helped</p> <p>14 sales grow 'off the charts.'" Do you see</p> <p>15 that?</p> <p>16 A. Yeah, I see that.</p> <p>17 Q. Then it says, "For the past four years</p> <p>18 Lindell's support for Trump has seemed to</p> <p>19 only help MyPillow's sales." Correct?</p> <p>20 A. Who -- who wrote that?</p> <p>21 Q. This is a Business Insider article. We can</p> <p>22 get --</p> <p>23 A. They attack me all the time. They attack me</p> <p>24 all the time. So what are you saying there?</p> <p>25 Q. So if we go down, there's --</p>	<p style="text-align: right;">Page 171</p> <p>1 you back Trump, you're going to be -- you're</p> <p>2 going to be boycotted and attacked. Did I</p> <p>3 lose half -- like Springer said back then,</p> <p>4 You're going to lose half our business. I</p> <p>5 don't know.</p> <p>6 I just -- you know, I didn't</p> <p>7 advertise -- CNN left about two years into</p> <p>8 that because their ads got higher priced than</p> <p>9 what I could pay, but I still advertised on</p> <p>10 CNN and MSNBC, if you are talking about</p> <p>11 political.</p> <p>12 I always kept MyPillow separate.</p> <p>13 When they would do these things and say --</p> <p>14 you know, when Fox would get boycotted,</p> <p>15 everyone would leave but MyPillow and they're</p> <p>16 going -- you know, when the host would say</p> <p>17 something. Same way -- and I said, Well, I</p> <p>18 still advertise on CNN and they badmouthed me</p> <p>19 directly for backing Trump.</p> <p>20 So I just kept -- MyPillow was kept</p> <p>21 separate. Now, did I say this myself? I</p> <p>22 might have. You know, I -- because in</p> <p>23 reality MyPillow was separate. I didn't -- I</p> <p>24 did not advertise on CNN or Fox because of</p> <p>25 political reason.</p>
<p style="text-align: right;">Page 170</p> <p>1 A. What's the date of this article? What's the</p> <p>2 date of this article?</p> <p>3 Q. January 21st, 2021.</p> <p>4 A. Okay.</p> <p>5 Q. And do you see a quote from you here at the</p> <p>6 top of the next page, "By me backing Donald</p> <p>7 Trump, my business is probably up...I can't</p> <p>8 even say -- 300 percent," Lindell said.</p> <p>9 'It's just off the charts where he's taken</p> <p>10 it, because I believed in this president and</p> <p>11 so does the public."</p> <p>12 Do you see that?</p> <p>13 A. Yep.</p> <p>14 Q. And do you dispute that you gave this quote</p> <p>15 to Business Insider?</p> <p>16 A. If it was -- if it was -- if it was then, I</p> <p>17 don't know. I guess when I looked at -- when</p> <p>18 I looked at '16, '17, '18, '19, I guess up to</p> <p>19 '20 -- up to '20, you know, that would be --</p> <p>20 you know, I can't dispute because we did</p> <p>21 increase. I don't think it hurt -- hurt us.</p> <p>22 You know, would it have been --</p> <p>23 would it have been -- I guess I was trying to</p> <p>24 say they're going -- they're trying to make</p> <p>25 other businesses, oh, because you -- boy, if</p>	<p style="text-align: right;">Page 172</p> <p>1 MyPillow -- in fact, there is a</p> <p>2 quote out there I did with -- I would make</p> <p>3 the decision to put ads where they worked.</p> <p>4 It didn't matter if you're CNN, MSNBC, Fox</p> <p>5 News, ABC, who attacks me all the time</p> <p>6 directly, CBS, NBC. It didn't matter.</p> <p>7 MyPillow made decisions based on</p> <p>8 where their money -- you put it in here and</p> <p>9 if it worked. Those are business decisions</p> <p>10 made at MyPillow.</p> <p>11 Now, we're here -- out here</p> <p>12 defending myself to news business going, oh,</p> <p>13 you probably lost money over there because of</p> <p>14 Donald Trump. I don't think it hurt us up to</p> <p>15 that point.</p> <p>16 But did it hurt that the ads went</p> <p>17 up on CNN, the prices went up? I don't know</p> <p>18 if that was because of politics or not,</p> <p>19 because they got really -- their viewership</p> <p>20 went up.</p> <p>21 And like Rachel Maddow, it went up</p> <p>22 to \$36,000 for a one-minute ad. I couldn't</p> <p>23 advertise on MSNBC at those prices anymore</p> <p>24 representing MyPillow.</p> <p>25 So in that respect, you know, it</p>

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<p style="text-align: right;">Page 173</p> <p>1 hurt us, where MyPillow couldn't advertise in 2 certain places anymore because of the price 3 of ads. 4 Now, did I say this to them? I 5 don't know. Business Insider, they write 6 stuff and twist stuff all the time, as they 7 all do about me. So, you know, is that 8 something I might have said? Absolutely, 9 it's something I might have said. 10 Q. So you may have attributed -- 11 A. Not -- 12 Q. -- MyPillow growth in sales to -- 13 A. What? 14 Q. -- Donald Trump, agreed? 15 A. No, that's not true. I would not -- I would 16 not say -- that's not one bit true. Did I 17 say it there, that it grew? Let's see. 18 "Lindell said sales grew through Trump's time 19 in office." They did. Was it because of 20 Donald Trump? No, it wasn't because of 21 Donald Trump. If they -- 22 Q. Is that -- 23 A. That quote there that -- I told them sales 24 grew, that it didn't hurt me. That's what I 25 said, which is a true statement.</p>	<p style="text-align: right;">Page 175</p> <p>1 No. We went up in sales. 2 But there is a lot of reasons for 3 that, a lot of reasons, because he took off 4 regulation, taxes were lowered. There is a 5 lot of reasons that -- the import/export 6 thing he did, the deals he made with Canada 7 helped us huge, which I had to deal directly 8 with Trudeau up there. We ended up putting a 9 plant up there because of what Donald Trump 10 and Trudeau went back and forth on. 11 So did it help MyPillow's business? 12 Yeah. Did it -- because Mike Lindell went 13 out there and said he's a great president? I 14 don't know if that would help, unless you go 15 along with the great things he did to help 16 MyPillow. 17 But I know it did hurt some things. 18 Where it hurt was I couldn't buy ads -- about 19 into 2018, I couldn't buy them on CNN and 20 MSNBC because they got too high-priced 21 because everybody was watching those channels 22 attacking Donald Trump. So we couldn't 23 buy -- MyPillow couldn't buy ads anymore 24 there. 25 But during those times, up until</p>
<p style="text-align: right;">Page 174</p> <p>1 They were trying to do an article 2 that if you back Trump, your business is 3 going to go down the tubes. And it didn't. 4 Donald Trump made great decisions as 5 president that actually helped MyPillow, 6 regulations and stuff, tax cuts, everything. 7 Did that -- those were the 8 questions that this Business Insider -- that 9 they would ask me, but they would try and 10 twist it, you know. 11 I'm going -- the question there was 12 backing Donald Trump. I said when Donald 13 Trump was in power, everybody's businesses 14 and people's lives improved because the guy 15 made good decisions then to help businesses, 16 and that's what -- that was the -- this 17 article, I'm reading it now. That's what 18 they're asking me. 19 Anybody that says, I've got a 20 business and, boy, I'm going to back Donald 21 Trump and they don't do anything, that would 22 be the dumbest thing in history. 23 The stuff that these creeps ask me 24 all the time at like Business Insider, did 25 Donald Trump's time in office hurt MyPillow?</p>	<p style="text-align: right;">Page 176</p> <p>1 '21 -- up until -- through '20, absolutely, 2 MyPillow went up during those times, but it 3 wasn't because Mike Lindell was out there 4 saying Donald Trump is a good president. It 5 was because of things he did, his 6 administration did. 7 And I think all of your lives 8 watching here -- if you go to December of 9 2019, when gas prices were \$1.89, you guys 10 realize what's been done since then. Every 11 business in this country, including MyPillow, 12 it's hurt them because of shipping prices. 13 Shipping has destroyed -- just like 14 I told you, in February of '21 -- when all 15 our slippers came in, one of the things 16 that's probably not on there is those \$25,000 17 container costs, which would have took that 18 gross profit down to probably junk mail, if I 19 really go back and look, because now we've 20 since had to look back with the slipper 21 company. Where containers we paid 3,000 for, 22 we had to pay \$25,000 a container -- 23 Q. Mr. Lindell -- 24 A. -- for those slippers. 25 So there's your answer.</p>

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<p>1 Q. And, Mr. Lindell, just in the paragraph you 2 skipped over there, it says, "According to 3 Lindell, promotion codes that reference 4 Trump, which the CEO says are not picked by 5 MyPillow, tend to drive significantly higher 6 sales than traditional codes." Right?</p> <p>7 A. Those codes -- let me just tell you: 8 Whatever was said there when they're asking 9 about those promo codes, those -- every 10 podcaster in the country, they pick their own 11 codes.</p> <p>12 Let's say it's Eric. Like Eric 13 Metaxas picks Eric. Some people -- like 14 Diamond and Silk, I believe they had a code 15 called Trump -- I don't know -- Trump 1 or 16 whatever.</p> <p>17 They are all picked. They pick 18 their own codes for their own podcasts and 19 their own show. They have been doing this 20 since 2011. That has nothing to do with 21 Donald Trump.</p> <p>22 Now, they -- so I don't know 23 just -- where do you see the codes there? 24 No -- MyPillow had no codes that they picked 25 that said anything to do with politics, one</p>	<p>1 there selling MyPillow stuff that didn't 2 believe in it, because I want to help them -- 3 I want to help them -- it's a lot better when 4 you are believing in the product you're 5 selling.</p> <p>6 So if they come to us. Let's say 7 it's -- I'll give an example. You want to 8 talk politics? The View. The View, we were 9 their number-one product in history. If you 10 guys know anything about The View, when you 11 talk politics, they are very far left. So 12 The View, we're their number-one one-minute 13 commercial ever, ever.</p> <p>14 Now, did they leave us because of 15 politics? Yeah, they cancelled us, too. So 16 they -- you know, they cancelled us and they 17 decided -- their number-one product ever sold 18 in The View's history, they decided to leave 19 it because -- because of MyPillow's CEO 20 happens to like a president. He picks his 21 own president, that I met with him and got to 22 meet the guy and believe in the guy.</p> <p>23 So there's an example of a 24 podcaster cancelling MyPillow and hurting 25 MyPillow because of politics, and that's a</p>
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<p>1 hundred percent.</p> <p>2 Our codes on anything that we have 3 directly were all like your "my" codes, your 4 -- if it's CNN, CNN 22, CNN 62. Has nothing 5 to do with Donald Trump.</p> <p>6 And there was maybe four codes out 7 there, and I know Diamond and Silk had one. 8 A guy named David Harris had one. I think 9 his code was Trump 2020, maybe. I don't 10 know. I'd have to look back. But these 11 codes were picked by them and that's their 12 deal, Patriot TV, Patriot 62 or whatever it 13 would be.</p> <p>14 Q. Right, but MyPillow chooses where -- where to 15 place its advertisements, correct, even if 16 they don't pick what the promo code is?</p> <p>17 A. No. They come to us. They come to us and 18 we -- like if it's a podcaster, I told you we 19 have to give them the product. They have to 20 believe in the product. Had nothing to do 21 with -- we don't ask them what their promo 22 code is at that time. They have to be 23 vetted. Even a lot of the TV or radio, they 24 have to use the product and believe in it.</p> <p>25 I would never want anybody out</p>	<p>1 shame.</p> <p>2 Q. So, Mr. Lindell, I understand your -- and you 3 may have said this to Business Insider about, 4 you know, supporting Donald Trump has 5 increased sales, but you dispute --</p> <p>6 A. No, I didn't say -- 7 (Simultaneous indiscernible crosstalk.)</p> <p>8 Q. -- taken out of context --</p> <p>9 A. I said -- what I said was it didn't hurt our 10 sales and MyPillow sales went up during that 11 time. A lot of it was because of his 12 policies, getting gas prices down.</p> <p>13 Are you kidding me? It wasn't 14 because people vote -- people bought more 15 pillows because their CEO backs Donald Trump. 16 That's complete bizarreness. If that would 17 be the case, it would have probably went 18 down.</p> <p>19 But to offset that, the good 20 policies he put into place to help 21 businesses, all businesses, and get gas 22 prices lower, MyPillow flourished during 23 those years, like every other business in the 24 country.</p> <p>25 Did it hurt that the CEO backed</p>

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<p style="text-align: right;">Page 181</p> <p>1 Donald Trump? Absolutely, it probably hurt</p> <p>2 that because the Better Business Bureau, a</p> <p>3 good example, took us from an A plus to an F</p> <p>4 and they told me straight out it was</p> <p>5 political. So that's a fact.</p> <p>6 So and just like --</p> <p>7 Q. Mr. Lindell --</p> <p>8 A. -- the media attacking me -- just like the</p> <p>9 media attacked me and called -- brings up my</p> <p>10 past drug addiction and stuff when I backed</p> <p>11 Donald Trump.</p> <p>12 So you've got --</p> <p>13 Q. Mr. Lindell, taking former President Trump</p> <p>14 out of the equation, would you agree that</p> <p>15 appearing publicly and being in the news</p> <p>16 would help MyPillow sales, you, Mike Lindell,</p> <p>17 being in the news would help MyPillow sales?</p> <p>18 A. No. No. No, not at all. That's not true at</p> <p>19 all. It's just like when -- I'll give you a</p> <p>20 perfect example. When I'm on the cover of</p> <p>21 The Enquirer, this former crack addict, they</p> <p>22 show a mugshot of me and they're interviewing</p> <p>23 me and attacking me, no, that does not help</p> <p>24 at all. It would depend what you are talking</p> <p>25 about.</p>	<p style="text-align: right;">Page 183</p> <p>1 me.</p> <p>2 And I'm going, Why? Why should</p> <p>3 that have any bearing on MyPillow, when I</p> <p>4 went and met this guy and I'm out there doing</p> <p>5 a rally, so to speak, you know, doing a</p> <p>6 rally?</p> <p>7 You know, it's -- we shouldn't lose</p> <p>8 half of our business or these people because</p> <p>9 I back a person that I believe in.</p> <p>10 Q. So, Mr. Lindell, I want to look at another</p> <p>11 exhibit here, which will be Exhibit 744.</p> <p>12 This is Bates stamped DEF082645.</p> <p>13 (Deposition Exhibit 744 was marked for identification.)</p> <p>14 BY MR. FREY:</p> <p>15 Q. And this is a print-out of a text message</p> <p>16 chain. So do you see at the top there</p> <p>17 there's two phone numbers?</p> <p>18 A. Yeah, yeah, yeah, yeah, yeah, yeah. To my</p> <p>19 son?</p> <p>20 Q. Yeah. Do you recognize this as your son's</p> <p>21 phone number and your phone number?</p> <p>22 A. Yep.</p> <p>23 Q. And do you see it says -- there is a date in</p> <p>24 the middle there, January 20th, 2021?</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 182</p> <p>1 Did it help when MyPillow appeared</p> <p>2 when we gave 80 -- or 3 million dollars'</p> <p>3 worth of pillows to Hurricane Harvey back</p> <p>4 when they would report us on Fox, when they</p> <p>5 would actually talk about us on Fox or on CNN</p> <p>6 and say, Look at MyPillow, look it, they're</p> <p>7 giving all these products away?</p> <p>8 Well, the last time I did it in</p> <p>9 September of '22, all they did was attack me.</p> <p>10 They didn't say about us donating everything</p> <p>11 we had left to things. It depends.</p> <p>12 Back then, when I would be -- if I</p> <p>13 made an appearance there, did that help when</p> <p>14 we would be in the news about that? Sales</p> <p>15 wouldn't go up. They'd go, Oh, MyPillow,</p> <p>16 they're giving away pillows.</p> <p>17 But you wouldn't see a spike for</p> <p>18 giving away -- maybe you would. It would be</p> <p>19 short-lived, short-lived that MyPillow</p> <p>20 gave -- helped out Hurricane Harvey.</p> <p>21 I mean, it happens all the time,</p> <p>22 you know, where if there's negative press,</p> <p>23 Mike Lindell backs Donald Trump -- when they</p> <p>24 all went in with that, that hurts. That</p> <p>25 would hurt back then when they would attack</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. All right.</p> <p>2 A. Yep.</p> <p>3 Q. I'm scrolling down to the second page of</p> <p>4 this, which I guess starts on -- moves over</p> <p>5 to -- oh, no, same day. Top of the second</p> <p>6 page.</p> <p>7 A. Right.</p> <p>8 Q. So you're talking to your son about the</p> <p>9 wedding and stuff and then you say, "Almost</p> <p>10 10K orders already today, smiley face."</p> <p>11 Do you see that?</p> <p>12 A. Yep.</p> <p>13 Q. And then he responds later. He says, "38,000</p> <p>14 orders yesterday. Shattered every record."</p> <p>15 Right?</p> <p>16 A. Right. Right.</p> <p>17 Q. You say, "4.6 million. Who said being crazy</p> <p>18 in the news isn't good?" Right?</p> <p>19 A. Right. Yep.</p> <p>20 Q. So in some sense you have attributed being in</p> <p>21 the news to --</p> <p>22 A. No. Let me -- let me put that in context.</p> <p>23 My son is a liberal, and he was so upset with</p> <p>24 me when -- this is after the White House</p> <p>25 picture when I brought the evidence to Donald</p>



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<p style="text-align: right;">Page 185</p> <p>1 Trump that was under a gag order by a guy 2 named Dennis Montgomery. 3 And I needed to get this signed, 4 and lawyers gave me a sealed envelope, which 5 they said if you get to meet with him, please 6 give him these recommendations. 7 As you all know, I'm sure you're 8 very familiar, when I came out of the White 9 House when I was outside the back talking to 10 my son Darren, that had been opened. I had 11 never read those papers to this day. And the 12 Washington Post took that picture from a 13 quarter mile away and it said "martial law" 14 on there. I never read those papers. 15 And when that happened -- and that 16 was the number-one story in the world, and 17 everybody attacking MyPillow from that point. 18 And Darren was so upset with me. So I'm 19 going -- he goes, What, are you nuts? He was 20 very, very upset. 21 So my comment to him there is: You 22 know what? You can call it crazy, but who 23 said it -- be happy that at least the sales 24 are coming in. And those sales did spike 25 during that time as we were losing box stores</p>	<p style="text-align: right;">Page 187</p> <p>1 wrote -- I typed that. But there is a 2 reason. 3 He is very left and he very much 4 was against anything showing up at the White 5 House with martial law papers, which I had to 6 explain to him that they weren't mine. 7 And if you ever depose him, he will 8 tell you, he was against anything I've done 9 for -- out there as my individual self out 10 there because, you know, he will tell you how 11 bad it's decimated MyPillow by me doing that. 12 And he was -- that was me saying, 13 Oh, I didn't know. I wasn't even there, by 14 the way. So I'm out there. I wasn't even at 15 MyPillow hearing that. I'm going, okay, 16 that's good, but did you hear about this and 17 this and this and what was done with 18 computers and our elections and China 19 attacking? And you guys know that this is 20 what all happened during that time. 21 Was there a spike that day by the 22 public? Yeah. Did it last? No. We lost 23 everything we've had, hundreds of millions of 24 dollars. 25 My company -- as I sit here before</p>
<p style="text-align: right;">Page 186</p> <p>1 and everything else. 2 But my focus was on saving this 3 country because I had gotten the evidence 4 that showed machine and computer 5 manipulation, which explained to me 6 everything from November and December that I 7 went out on my own and said, Hey, why are all 8 these people that voted -- that voted and 9 didn't live in the county, just like -- 10 LA County in California? I'm going all these 11 people voted here that don't live in the 12 county. That's a crime. How could that -- I 13 just couldn't imagine people running into 14 LA County going, hey, or running into this 15 state and saying, hey, let's go vote for 16 Biden. It didn't make sense to me. 17 I was given evidence on 18 January 9th, and you all know about it, by 19 Dennis Montgomery. I was given this 20 evidence. I had to get -- it was under a 21 government gag order and it needed to be 22 signed. That's what happened. 23 My son was so upset, so I made a 24 thing like, you know, lighten up, it's okay. 25 Who said being crazy in there? Yes, I</p>	<p style="text-align: right;">Page 188</p> <p>1 you today, I've got nothing left in the 2 world, period, because of me standing for our 3 country and wanting to go to paper ballots 4 hand counted. 5 Q. In either event, the sales did go up after 6 you -- 7 A. Correct. For about, what, four days maybe. 8 I don't know. During that time -- 9 (Simultaneous indiscernible crosstalk.) 10 A. And that was also -- that was also the -- it 11 was the slipper time, too. So, you know -- 12 but did it spike that day? Absolutely. 13 MyPillow, people that had -- 14 remember during that time they -- you know, 15 people were buying. That was the slippers. 16 The slippers came in. So people bought more, 17 I guess. But it coincided with that. There 18 was a spike that day, absolutely. 19 Q. All right. Mr. Lindell, I want to go back to 20 the P&amp;L statements, and we can go to 21 Exhibit 730 to talk about some other items on 22 here. It's 2021. 23 So after the gross profit line, 24 then there is expenses, correct? 25 A. Uh-huh. Right.</p>



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<p>1 Q. And it goes into a detailed breakdown of 2 various expenses -- 3 A. Right. 4 Q. -- that MyPillow incurs? 5 A. Yep. 6 Q. And in discussing expenses, would you agree 7 that these are costs, other than raw 8 materials and direct production costs, that 9 MyPillow would need to spend each month? 10 A. That's correct. 11 Q. So I have questions about a couple of these. 12 So the first is the 13 advertising/promotional expenses. 14 A. Right. 15 Q. What types of expenses fall into the bucket 16 of advertising/promotional? 17 A. That's all of your ads. If you buy an ad on 18 CNN or Fox or whatever it is, that's the 19 money we spend every week and it has to 20 either break even or make money. 21 For example, if you buy a \$10,000 22 ad on Fox, it needs to produce about 18,000 23 just to break even on product costs. If it 24 doesn't, you don't run it. 25 For example, like I said, I</p>	<p>1 ever had was probably right after the Rose 2 Garden, when everybody went into lockdown, 3 because that's when the media really lowered 4 their prices and nobody was buying media. So 5 we were able to buy it for really reduced 6 prices. I even went on CNN back then again 7 with my book. 8 So, you know, it's all about what 9 they charged. There's a lot of variables 10 there. But that's what the advertising 11 expense is. It's -- that would be your rev 12 shares. That would also be your -- your 13 direct buying of ads. There are two things 14 that are in that column. 15 Q. Okay. So that's what would go into that one. 16 And would you agree that the 17 advertising/promotional expenses -- 18 MR. FREY: Julie, if you can slide 19 over. 20 Q. -- are the highest expense for MyPillow? 21 A. Oh, a hundred percent because it's all 22 relevant. If I don't -- if I don't buy an 23 ad -- I'll give an example. So last week we 24 got preempted because of the Democratic 25 Convention. All of our ads got preempted,</p>
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<p>1 couldn't buy on MSNBC when they started 2 charging too much, 36,000 for a one-minute 3 ad, and if you only take in 28,000 or 4 whatever, you lose 20 grand. You don't get 5 that back. 6 So -- so as -- and when the ad is 7 working, you can spend more money on -- you 8 could go broader, more horizontal. 9 So what you're showing me here in 10 February, with that spike if you say -- if 11 you attribute it just to the -- with the 12 slippers, but also two people out there that 13 are -- were able to go more broad, who were 14 able to spend more money because the 15 commercials are working. 16 So let's say you would go into your 17 ABCs, your CBSs or whatever it is. Once you 18 get to local broadcasts, you can buy more 19 media. You can buy more media. 20 So -- and then -- now, if they're 21 performing at a 3 or a 4 -- ideally you want 22 at least to hit a 2, but there's been times 23 we've hit a 3 or a 4, like when we went into 24 the -- where everybody was watching on -- the 25 highest -- I believe the highest margins we</p>	<p>1 which means a lot of them ran 2 commercial-free. Our gross sales dropped 3 down almost half because it's all relevant. 4 So if you don't have a commercial 5 that's working, MyPillow is just decimated. 6 It's -- because it's not like you're going, 7 okay, I'm going to go buy MyPillow today. We 8 don't have the box stores anymore. So people 9 aren't buying it just seeing it. We don't 10 have that. 11 So if you don't hear about it, 12 you're not just going, hey, I'm going to 13 buy -- I'm going to go to MyPillow today and 14 do some shopping. 15 You have to -- everything costs 16 money. So even the email blasts cost, but 17 those -- those -- you know, those fatigue too 18 after a while. So if you're not able to buy 19 a direct -- these are impulse buys. 20 Everything is an impulse buy. 21 When you are able to buy more 22 advertising and produce that break-even or 23 better, your company is bigger at that moment 24 in time. 25 Q. And for -- do you know -- and we can walk</p>

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<p style="text-align: right;">Page 193</p> <p>1 through the other ones if you'd like. Would</p> <p>2 you agree that the -- compared to prior</p> <p>3 years, 2021 was the year that MyPillow spent</p> <p>4 the most on advertising?</p> <p>5 A. Yeah, because of the -- because of the</p> <p>6 slippers. That was the -- the slippers.</p> <p>7 We -- if we were relevant back in</p> <p>8 the day, back when MyPillow first launched,</p> <p>9 you know -- you've got to realize, too, that</p> <p>10 we have to -- we couldn't just -- I didn't</p> <p>11 have millions of dollars to buy the ads.</p> <p>12 If I would have had millions of</p> <p>13 dollars in those other years when MyPillow</p> <p>14 was launched, or MyMattress Topper, we could</p> <p>15 have really -- we could have took advantage.</p> <p>16 It would be like printing money, because you</p> <p>17 could have bought them in every little tiny</p> <p>18 station because they were producing at 2 or</p> <p>19 better.</p> <p>20 So here was our -- when the</p> <p>21 slippers came here, with the slipper launch,</p> <p>22 if you didn't have a commercial that was</p> <p>23 working, those -- all of those numbers would</p> <p>24 be dismal. They would be just like they are</p> <p>25 now. The commercial is not working. And if</p>	<p style="text-align: right;">Page 195</p> <p>1 I did it -- in the spring of '22 I</p> <p>2 actually took our all-season slippers just to</p> <p>3 stay alive at MyPillow and reduced the cost</p> <p>4 down to like \$29, because our inventory was</p> <p>5 so -- we had inventory that was sitting</p> <p>6 there.</p> <p>7 But we couldn't cash flow because</p> <p>8 the attacks on MyPillow and everything else.</p> <p>9 So we couldn't cash flow, and I sold out all</p> <p>10 that inventory at cost and all it was was a</p> <p>11 Band-Aid.</p> <p>12 We lost millions of dollars in the</p> <p>13 spring of -- that was right after the</p> <p>14 commercial for the 2.0 collapsed. Or that</p> <p>15 was -- I guess that was early '23. We've</p> <p>16 tried everything to get through.</p> <p>17 But you can't -- by what's happened</p> <p>18 with these attacks on MyPillow and the</p> <p>19 cancellations, we're just decimated. But</p> <p>20 that was a good run there with the slippers</p> <p>21 until it fatigued and it was like, boom,</p> <p>22 done.</p> <p>23 Q. And -- okay. So that's -- that's what goes</p> <p>24 into your advertising expenses.</p> <p>25 The next one I want to talk about</p>
<p style="text-align: right;">Page 194</p> <p>1 you don't have a commercial working and you</p> <p>2 don't have box stores, you have nothing.</p> <p>3 Here we had no box stores, but the</p> <p>4 commercial was working. Everybody was buying</p> <p>5 the slippers. I mean, it was crazy, to the</p> <p>6 effect that we ordered millions of dollars of</p> <p>7 more slippers.</p> <p>8 And by the time that commercial</p> <p>9 fatigued, then -- we couldn't buy the ads.</p> <p>10 That's why we owe the slipper people.</p> <p>11 \$15 million they have been waiting on because</p> <p>12 we have all this inventory of slippers and no</p> <p>13 place to sell it.</p> <p>14 I can't put a slipper ad on TV</p> <p>15 right now because it would lose -- a \$10,000</p> <p>16 ad, I would lucky -- I would be fortunate to</p> <p>17 take in \$3,000.</p> <p>18 So you guys need to understand how</p> <p>19 our advertising works. The slippers made</p> <p>20 that year of '21. It was incredible. It</p> <p>21 kind of rolled into 2022. Then the</p> <p>22 commercial went down and it died. I tried</p> <p>23 everything. I tried different -- with</p> <p>24 people's testimonies. I tried lowering the</p> <p>25 price.</p>	<p style="text-align: right;">Page 196</p> <p>1 is travel and entertainment. If we go back</p> <p>2 over to the side, it's 6150. It's about</p> <p>3 midway down. Do you see that?</p> <p>4 A. Yep.</p> <p>5 Q. What goes into travel and entertainment</p> <p>6 expenses?</p> <p>7 A. Well, there's no -- there's no entertainment</p> <p>8 at all in there. That would be whatever -- a</p> <p>9 lot of that, I'm sure, is procurement</p> <p>10 department. I know that they go -- they go</p> <p>11 overseas to try and get new products.</p> <p>12 There was a lot that went on in '21</p> <p>13 because of the slippers. There was a lot</p> <p>14 of -- they had to fly places. We were trying</p> <p>15 sandals -- to get sandals and stuff. That's</p> <p>16 almost all one department, mostly, I would</p> <p>17 say, Bob Sohns, Department of Procurement.</p> <p>18 That would be -- that would be --</p> <p>19 that would be the biggest expense, I would</p> <p>20 think, because that was the one -- that</p> <p>21 was -- I know there was so many because their</p> <p>22 plants are -- overseas in two different</p> <p>23 locations. I think Cambodia maybe. I'm not</p> <p>24 sure. And --</p> <p>25 Q. So --</p>

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<p style="text-align: right;">Page 197</p> <p>1 A. But they -- there's very few -- oh, there's  2 other. I guess there is other.  3 Entertainment shouldn't be on  4 there. We don't do any entertainment. That  5 should be -- that shouldn't even be an  6 expense.  7 Travel would also be if -- if you  8 were doing -- if they were doing any trade  9 shows and stuff, but they -- a lot of them  10 were cancelled because the box store. I know  11 we tried in vain that year to get some back.  12 That's another department where  13 they go to like mid-state shows and stuff  14 like that, where they go to trade shows,  15 where we're trying to get box stores to come  16 back or even get new ones. So there was a  17 lot of that in '21.  18 Q. And so that travel would be kind of maybe  19 commercial travel, flying overseas --  20 A. Yep.  21 Q. -- that kind of thing?  22 A. Yep.  23 Q. The next line item is aircraft operation --  24 A. But no --  25 Q. -- expenses.</p>	<p style="text-align: right;">Page 199</p> <p>1 All these different things I had to  2 go -- I was doing stuff for Wal-Mart in their  3 stores. I would fly down and be in a  4 Wal-Mart personally to help sales.  5 So there was -- it was -- that's  6 what I constantly was doing. They said, Hey,  7 we can't -- the expenses and the time it  8 would take me, that was the board voted that  9 in one hundred percent.  10 Because I'm going, You know what?  11 That's an expense. They go, We need this now  12 or you can't get -- I couldn't do the  13 Canadian shopping channel one day, meet in  14 another part of Canada because we had -- we  15 had massive stuff, too, where we would have  16 to go to like Costco, their executive office,  17 or mid states.  18 All the stuff that I had to travel  19 on was just incredible that -- so that was  20 voted in. That's what that -- that's what  21 that aircraft does.  22 Q. Did you use the MyPillow jet more frequently  23 in 2021 than in prior years?  24 A. No. No. Probably be prior than 2020 because  25 of the -- because of the virus we did --</p>
<p style="text-align: right;">Page 198</p> <p>1 A. But no -- but no -- but no entertainment  2 would be on there.  3 The aircraft operation, that's --  4 that's the plane, the -- MyPillow's plane.  5 Q. Okay. So that's for the MyPillow private  6 jet?  7 A. It's not -- it's not in their name. It's not  8 in their name. It's another company, but  9 yeah.  10 Q. And why does MyPillow need a plane?  11 A. Well, at that time it was voted in in 20 --  12 it was voted in by the board, not by me, in  13 20, I want to say, 17, and that's because I  14 would go to QVC -- QVC Canada, all these  15 places, and I would do appearances. I did  16 over 300 and some at QVC alone.  17 And to fly commercial, the board  18 said you will save sixteen 24-hour days. I  19 would literally have to fly to Pennsylvania,  20 two hours wait -- two hours wait and two  21 hours where I wouldn't be available on a  22 commercial flight, land, go do the hit at  23 QVC, which would be -- could be a hundred and  24 some thousand dollars. There was so many --  25 and then the shopping channel in Florida.</p>	<p style="text-align: right;">Page 200</p> <p>1 well, no, it was used then, too, because we  2 didn't have commercials.  3 So there was -- there was -- I  4 don't know about -- I don't know how it would  5 compare to other years. I think it was  6 pretty much the same.  7 Those are -- those are pretty much  8 flat fees because you have -- that's  9 another -- it's another entity that charges  10 that.  11 It doesn't matter how much you're  12 using it, other than fuel, those are -- those  13 numbers pretty much stayed the same unless  14 you're taking less trips than your -- because  15 you still have the cost of your pilots.  16 I know the first year we had to add  17 two pilots because I was doing so many -- so  18 much QVC and so much shopping channels, that  19 we had to get two more pilots, so that cost  20 went up.  21 But these are -- these are pretty  22 much you -- they store the jet. They take  23 care of it. They do everything. And those  24 are fixed costs, except for fuel is on there.  25 Q. Have you used or did you use this -- this</p>

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<p style="text-align: right;">Page 201</p> <p>1 MyPillow jet in connection with making</p> <p>2 appearances and statements related to claims</p> <p>3 about fraud in the 2020 US election?</p> <p>4 A. No. I don't know what you mean by that.</p> <p>5 Absolutely not. What do you mean? No, I</p> <p>6 didn't --</p> <p>7 Q. Did you --</p> <p>8 A. I didn't --</p> <p>9 (Simultaneous indiscernible crosstalk.)</p> <p>10 Q. When you hosted the Cyber Symposium in August</p> <p>11 of 2020, did you travel there in the MyPillow</p> <p>12 jet?</p> <p>13 A. Yes. That was all paid for -- that was paid</p> <p>14 for by me personally. So those are separate</p> <p>15 things that get paid out of there.</p> <p>16 Back to MyPillow, whenever I use</p> <p>17 the jet -- whenever the jet would be used</p> <p>18 personally, I have to pay for that. Or if</p> <p>19 someone flies on there, that would be -- they</p> <p>20 have to pay. They get paid. That's a</p> <p>21 totally separate -- separate accounting thing</p> <p>22 that's done with the jet. Always has to</p> <p>23 know, you know, who's on there, and then they</p> <p>24 have -- and I paid for those things</p> <p>25 personally.</p>	<p style="text-align: right;">Page 203</p> <p>1 on -- no, I wasn't on there then. He was not</p> <p>2 on there then. I know he was on there at</p> <p>3 least one time, and I think --</p> <p>4 Q. How about --</p> <p>5 A. -- only one time. I think only one time.</p> <p>6 Q. How about Conan Hayes? Has Conan Hayes ever</p> <p>7 flown on the MyPillow jet?</p> <p>8 A. I don't know.</p> <p>9 Q. Phil Waldron?</p> <p>10 A. Yes, Phil Waldron when he -- yes, because of</p> <p>11 that Cyber Symposium.</p> <p>12 Q. How about Russell Rantlin [phonetic]? Has he</p> <p>13 ever flown on the MyPillow jet?</p> <p>14 A. No. Not to my knowledge, no.</p> <p>15 (Simultaneous indiscernible crosstalk.)</p> <p>16 A. Who?</p> <p>17 Q. General Flynn?</p> <p>18 A. No, I don't believe so, but I couldn't say a</p> <p>19 hundred percent for certain. I don't believe</p> <p>20 so, though. He might have -- he might have</p> <p>21 when he was -- because I was working with</p> <p>22 him -- he was setting up Patriot TV. But I</p> <p>23 would say no. Because we were going to</p> <p>24 advertise with him. I want to say no, but I</p> <p>25 can't be a hundred percent certain on him.</p>
<p style="text-align: right;">Page 202</p> <p>1 Q. Is there --</p> <p>2 A. If you are talking about that -- when you are</p> <p>3 talking about that Cyber Symposium, a hundred</p> <p>4 percent I paid for all that.</p> <p>5 Q. Is there documentation denoting kind of your</p> <p>6 payments back to MyPillow with reference</p> <p>7 to --</p> <p>8 A. Yep.</p> <p>9 Q. -- the private jet use?</p> <p>10 A. Yes, absolutely there would be. The IRS just</p> <p>11 went through all that a hundred percent. So,</p> <p>12 yes, there is.</p> <p>13 Q. So in connection, then, with that Cyber</p> <p>14 Symposium, did -- did you fly Dennis</p> <p>15 Montgomery on the MyPillow jet?</p> <p>16 A. Dennis Montgomery didn't go to the Cyber</p> <p>17 Symposium. So where are you getting your</p> <p>18 information?</p> <p>19 Q. Has Dennis Montgomery ever been flown on the</p> <p>20 MyPillow jet?</p> <p>21 A. I don't -- I don't know. Maybe one time, if</p> <p>22 that. That's -- maybe one time in history,</p> <p>23 and that would have been -- I think maybe</p> <p>24 when -- because I only met him -- that's the</p> <p>25 first time I met him. I believe I -- he was</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. How about Douglas Frank?</p> <p>2 A. Yes.</p> <p>3 Q. Has Frank ever been on the MyPillow jet?</p> <p>4 A. Yes.</p> <p>5 Q. Approximately how many times?</p> <p>6 A. I think just once, and I'm not even positive</p> <p>7 about that. I'm not positive about that. I</p> <p>8 want to -- I wasn't on there with him, but I</p> <p>9 believe he's been on there because I don't</p> <p>10 know -- because he came to the Cyber</p> <p>11 Symposium.</p> <p>12 I'm trying to think who was there.</p> <p>13 Flynn was not there. Dr. Doug Frank would</p> <p>14 have been on there, I believe, unless he took</p> <p>15 a commercial flight. I don't know that.</p> <p>16 Q. So in connection with the Cyber Symposium,</p> <p>17 then, would the jet have been used to kind of</p> <p>18 help bring speakers and other individuals</p> <p>19 there?</p> <p>20 A. I don't know what the protocol was, but I</p> <p>21 think -- I know it was brought -- they called</p> <p>22 it the red team. I don't know what they</p> <p>23 were. I didn't know what a red team meant.</p> <p>24 I had no idea.</p> <p>25 This was all -- it was very -- very</p>

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<p style="text-align: right;">Page 205</p> <p>1 set up sporadically, where I know my 2 attorney, Kurt Olson, I know he set up part 3 of that, of who was coming in. I don't know. 4 And as far as speakers, I don't 5 know -- I don't think -- I don't think it was 6 necessarily speakers, but some of them were 7 speakers maybe. I don't even know where it 8 all went. 9 To be honest with you, I don't 10 know -- I don't know how many people were 11 brought back and forth. Some of them were 12 speakers, so... 13 Q. Who would make the arrangements, the travel 14 arrangements, for use of the private jet in 15 connection with the Cyber Symposium? 16 A. I don't remember and I don't -- I don't know. 17 It wasn't me. I had no idea who was coming 18 or not coming to that event. A hundred 19 percent I didn't know. 20 I was actually getting the evidence 21 from Dennis Montgomery. I was in Florida, 22 and I went from there to Texas to give it to 23 the Cyber '15 -- Act of 2015 or the Cyber 24 Act, to give the data -- the data from Dennis 25 Montgomery to them.</p>	<p style="text-align: right;">Page 207</p> <p>1 A. MyPillow -- 2 (Simultaneous indiscernible crosstalk.) 3 Q. MyPillow no longer owns it, they sit -- at 4 least use -- 5 A. Well, my MyPillow -- MyPillow -- yeah, 6 MyPillow can still use it. It's -- you know, 7 absolutely. They can still use it. They'll 8 still pay to use it when we need it. We 9 don't need it as much anymore because we 10 don't have the box stores. We don't have the 11 shopping channels. 12 So the costs have went down 13 because -- you know, because we've lost 14 everything, we had to -- so we had to sell 15 that. We've lost -- we're decimated. So 16 we've had to just adjust accordingly. 17 Q. The next line item I wanted to understand is 18 number 6560, Commissions - Misc. It's down 19 there towards the lower left-hand side. What 20 does that line item represent? 21 A. Commissions? Those are call center. Those 22 are call center. They get 5 percent 23 commissions. They get 5 percent commissions 24 off of MyPillow sales. 25 Q. And that's folks from the call centers that</p>
<p style="text-align: right;">Page 206</p> <p>1 And we went to turn it in and we 2 were running late. I said, You know what? 3 Let's -- there was a guy there named Josh 4 Merritt. First time I ever met him, and he 5 said, All of this data I've already 6 validated. He said, It's all a hundred 7 percent legit. I had already known that 8 because I had had it validated for six 9 months. 10 And then they were going to put it 11 in this thing to seal it and send it out 12 under the 2015 Act, and they were making a 13 copy of it. 14 And -- and then it ended up -- 15 there was, I think, Josh, who I had just met, 16 Kurt Olson, and -- you know, I don't know. I 17 think Phil Waldron was -- that might have 18 been the time he was on the plane. Then we 19 went to Sioux Falls. 20 Q. And does MyPillow still -- still use the 21 private jet? 22 A. Yeah. We don't have -- we don't own it 23 anymore, but we -- yeah, I still use it. 24 I'll contract with it, yeah. 25 Q. Okay. So --</p>	<p style="text-align: right;">Page 208</p> <p>1 MyPillow uses? 2 A. Those are -- those are mothers and fathers. 3 A lot of them work from home, but we have our 4 own call center. We don't use outside people 5 overseas. We -- these guys -- this is their 6 commission. They get 5 percent off every 7 sale made. These are my employees. 8 Q. Okay. And how about shows? The next one 9 down, Commissions - Shows? 10 A. The shows are -- they worked on shows. These 11 would be your -- the home shows, the Costco 12 shows. Those are the ones we lost. They -- 13 they -- they used to get like 20 percent 14 commission at the shows. But Costco, they 15 cancelled us. Everything gone. 16 Q. Got it. Okay. 17 I want to look at the balance 18 sheets next. So we can just take one from -- 19 we'll use the one from 2021 again to be 20 consistent. So we'll do Exhibit 735. 21 A. Okay. 22 Q. Just to frame here, these balance sheets show 23 the assets, liabilities, and equity of 24 MyPillow on a monthly basis for each 25 calendar --</p>



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<p style="text-align: right;">Page 209</p> <p>1 A. Okay.</p> <p>2 Q. -- year, right?</p> <p>3 A. Okay.</p> <p>4 Q. Okay. And it looks like, unlike the P&amp;L</p> <p>5 statements, these don't roll up or</p> <p>6 accumulate. They're just kind of a</p> <p>7 month-by-month snapshot; is that right?</p> <p>8 A. I -- I don't know, but it looks like it,</p> <p>9 yeah.</p> <p>10 Q. And so for total assets --</p> <p>11 A. I don't -- if they're going by month, I don't</p> <p>12 know, but go ahead.</p> <p>13 Q. Okay. You're not -- you're not sure?</p> <p>14 A. Yeah, I don't know if -- what rolls over or</p> <p>15 not, but the total assets would -- keep</p> <p>16 going. Go ahead, what you're saying.</p> <p>17 Q. So the total assets here for 2021 show just</p> <p>18 over 86 million; is that right?</p> <p>19 A. Where do you see it?</p> <p>20 Q. It's down in that lower right-hand corner.</p> <p>21 So you get total assets (indicating). Then</p> <p>22 the two underlines. And if you go all the</p> <p>23 way to the right for December of that year,</p> <p>24 it would be 86.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 211</p> <p>1 controllers. Two of them were very</p> <p>2 incompetent and they got let go.</p> <p>3 So I don't know when you got it,</p> <p>4 but I would -- the CPA, those numbers are</p> <p>5 accurate. And I can assure you we were</p> <p>6 decimated in 2022 and 2023, and right now</p> <p>7 we're within minutes of going under.</p> <p>8 So whatever you have on your other</p> <p>9 thing -- whenever you got it, that report</p> <p>10 that you showed that said 92 was 1 million</p> <p>11 percent wrong, whoever prepared that. We had</p> <p>12 a lot of incompetence with those two</p> <p>13 controllers and they were both let go.</p> <p>14 MR. KACHOUROFF: And just for the</p> <p>15 record --</p> <p>16 THE WITNESS: So when --</p> <p>17 MR. KACHOUROFF: -- Tim, when I</p> <p>18 turned those over, I told you they were going</p> <p>19 to be different from the auditor's -- from</p> <p>20 the CPA's --</p> <p>21 THE WITNESS: Yeah.</p> <p>22 MR. KACHOUROFF -- record.</p> <p>23 THE WITNESS: Yeah. Yeah.</p> <p>24 MR. FREY: I understand you told me</p> <p>25 that --</p>
<p style="text-align: right;">Page 210</p> <p>1 Q. It's 86, right?</p> <p>2 A. Okay.</p> <p>3 Q. And so then I believe if we flip to the next</p> <p>4 exhibit for December 2022, that same line</p> <p>5 shows total assets of 92,394,000 at the end</p> <p>6 of 2022, right?</p> <p>7 A. Okay.</p> <p>8 Q. And then I want to flip to the Smiths &amp; --</p> <p>9 the one prepared by the accountants. Let me</p> <p>10 find the exhibit number for that.</p> <p>11 Exhibit 742, the 2022-2023.</p> <p>12 If we go up a page, okay, here it</p> <p>13 says for 2023, December, it's 63 million in</p> <p>14 total assets, right?</p> <p>15 A. Uh-huh.</p> <p>16 Q. And the number for 2022 that they have is</p> <p>17 77 million, right?</p> <p>18 A. Okay.</p> <p>19 Q. And I think the company balance sheet that we</p> <p>20 just looked at for December 2022 said</p> <p>21 92 million.</p> <p>22 A. Okay. I don't know -- I don't know where you</p> <p>23 got that one or who prepared that for you.</p> <p>24 When -- when was this one presented? Like I</p> <p>25 say, we had some -- we had five different</p>	<p style="text-align: right;">Page 212</p> <p>1 (Simultaneous indiscernible crosstalk)</p> <p>2 MR. FREY -- but I wanted to explore</p> <p>3 with Mr. Lindell the reasons for the</p> <p>4 discrepancies.</p> <p>5 THE WITNESS: Okay. And I want to</p> <p>6 tell you right now my -- you can ask my</p> <p>7 controller --</p> <p>8 MR. KACHOUROFF: Mike, if you know</p> <p>9 the reason for the discrepancy --</p> <p>10 THE WITNESS: No, I'm going to</p> <p>11 answer it. I'm telling him right now.</p> <p>12 We had two incompetent -- two</p> <p>13 incompetent people that were brought in on a</p> <p>14 shoestring going here, here this is. It was</p> <p>15 craziness, as we're going under and expenses</p> <p>16 and we're -- every day they would have to</p> <p>17 spend their whole day who to pay, who not to</p> <p>18 pay or we're going under with a gun to our</p> <p>19 head. Hey, we're not going to deliver foam</p> <p>20 unless you pay us. We're squishing your</p> <p>21 credit from 30 million down to zero.</p> <p>22 American Express, they've -- all these things</p> <p>23 that happened to cancel out MyPillow, to put</p> <p>24 us under. These -- that's what these guys</p> <p>25 had to deal with. Some of them, though, were</p>

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<p style="text-align: right;">Page 213</p> <p>1 very incompetent.</p> <p>2 My controller -- I mean my CPA, to</p> <p>3 do '22 and 2023, it's taken him the longest</p> <p>4 in history with questions going back and</p> <p>5 forth and back and forth and back and forth</p> <p>6 and through the books, and I've been over</p> <p>7 there many times, you know.</p> <p>8 And this has taken the longest of</p> <p>9 tax return in the history of MyPillow because</p> <p>10 he had to go through and we had to fix so</p> <p>11 many things that were wrong. This wasn't</p> <p>12 accurate. This was inaccurate. Well, this</p> <p>13 person did this.</p> <p>14 These are accurate. The ones that</p> <p>15 we showed on our -- on our -- that you got</p> <p>16 from our CPA, and you can get the -- the</p> <p>17 other stuff from him, these are accurate. We</p> <p>18 spent many, many hours.</p> <p>19 And, by the way, there was many</p> <p>20 people brought in, you call them a third</p> <p>21 party, to help out. I even brought Kim</p> <p>22 Rasmussen back to help out and say, Can you</p> <p>23 balance this stuff?</p> <p>24 There's been -- you know, so we</p> <p>25 had -- but we had to fire people in between</p>	<p style="text-align: right;">Page 215</p> <p>1 Don't tell me what you are insuating --</p> <p>2 insinuating. I live this every day. As I</p> <p>3 sit and speak to you, we have nothing,</p> <p>4 nothing left. You know, Smartmatic --</p> <p>5 MR. KACHOUROFF: Mike --</p> <p>6 THE WITNESS: -- sues --</p> <p>7 MR. KACHOUROFF: Mike --</p> <p>8 THE WITNESS: -- MyPillow. It's a</p> <p>9 shame, so...</p> <p>10 MR. KACHOUROFF: Mike, let Mr. Frey</p> <p>11 ask his questions.</p> <p>12 THE WITNESS: Yeah. Okay.</p> <p>13 MR. FREY: So, actually, let's --</p> <p>14 we've been going for almost an hour and a</p> <p>15 half, so let's take five minutes.</p> <p>16 THE WITNESS: I don't need any</p> <p>17 minutes, but you go and take them, that's</p> <p>18 fine.</p> <p>19 THE VIDEOGRAPHER: We're going off</p> <p>20 the record 2:20 p.m.</p> <p>21 (A recess was taken.)</p> <p>22 THE VIDEOGRAPHER: We are back on</p> <p>23 the record 2:30 p.m.</p> <p>24 BY MR. FREY:</p> <p>25 Q. Okay, Mr. Lindell, back on the record. So we</p>
<p style="text-align: right;">Page 214</p> <p>1 because we couldn't -- you know, they were</p> <p>2 incompetent.</p> <p>3 But they were working -- but the</p> <p>4 one that got -- when it really got bad was he</p> <p>5 spent every day just writing down here's --</p> <p>6 who could we pay? And I would have to say,</p> <p>7 Well, if we don't pay this, the doors close.</p> <p>8 If we don't pay -- this has been going on,</p> <p>9 it's been a nightmare since '21 with all the</p> <p>10 cancellation and everything that came in</p> <p>11 January of '21. This is the nightmare we've</p> <p>12 lived, so...</p> <p>13 It's not like they --</p> <p>14 (Simultaneous indiscernible crosstalk.)</p> <p>15 THE WITNESS: -- purposefully</p> <p>16 put -- purposefully put a number in there and</p> <p>17 then changed the number. That's the biggest</p> <p>18 crap I've ever heard in my life. Here's your</p> <p>19 accurate --</p> <p>20 BY MR. FREY:</p> <p>21 Q. I'm not --</p> <p>22 A. -- numbers.</p> <p>23 Q. Mr. Lindell, I'm not intimating anything.</p> <p>24 I'm just asking --</p> <p>25 A. Oh, I know what you're insuating [phonetic].</p>	<p style="text-align: right;">Page 216</p> <p>1 were talking about the total assets for each</p> <p>2 year, and I believe you said that as of</p> <p>3 today, those assets are almost nothing; is</p> <p>4 that right?</p> <p>5 A. Yeah. Our inventory is down to -- we owe</p> <p>6 more now on our inventory by about 10 million</p> <p>7 than what we have in stock.</p> <p>8 So the company itself is probably</p> <p>9 upsidedown by -- and I've had to borrow</p> <p>10 personally and MyPillow borrow about</p> <p>11 \$6 million this year, maybe 10 million this</p> <p>12 year to stay in business, to the point we</p> <p>13 can't borrow anymore.</p> <p>14 We borrowed money from --</p> <p>15 basically, if you borrow a million, you pay</p> <p>16 them back 1.5 million and -- so I would say</p> <p>17 our assets now probably 20 million in the</p> <p>18 hole upsidedown. It's at least 10, but</p> <p>19 probably 20.</p> <p>20 Q. And is the company considering insolvency?</p> <p>21 A. No. No. I will not do that. I'm not going</p> <p>22 to do that. We -- God will get us through.</p> <p>23 We pray every day we'll get through another</p> <p>24 day.</p> <p>25 And, you know, we're trying to come</p>

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<p style="text-align: right;">Page 217</p> <p>1 out with a commercial that would work. Right</p> <p>2 now we have two commercials, and they both</p> <p>3 are about a break-even.</p> <p>4 We've took our company and</p> <p>5 downsized it, laid people off to try and fit</p> <p>6 what sales we do have left.</p> <p>7 And, you know, I think we're coming</p> <p>8 out the other end now, paying -- you know,</p> <p>9 paying the -- with what they did last year,</p> <p>10 when we had the run on our credit and the</p> <p>11 credit squish, but we've gotten through that.</p> <p>12 So basically we will come out of</p> <p>13 this maybe with a smaller company, but I</p> <p>14 don't know how -- how long or -- how long</p> <p>15 it's ever going to take to pay these people</p> <p>16 back, such as the slipper people.</p> <p>17 They were -- they were the ones</p> <p>18 most affected because of what I told you.</p> <p>19 There were big sales in '21 and then it just</p> <p>20 after their commercial -- once a commercial</p> <p>21 fatigues below that line, it's over. You</p> <p>22 don't -- you have to either change your</p> <p>23 offer, and if that doesn't work, you're stuck</p> <p>24 with that inventory.</p> <p>25 And it would take a long time to</p>	<p style="text-align: right;">Page 219</p> <p>1 have in the world, so... They have that</p> <p>2 covered, so...</p> <p>3 Q. What is the name of the slipper company,</p> <p>4 Mr. Lindell?</p> <p>5 A. It is -- I'll have to text and get the actual</p> <p>6 name.</p> <p>7 Q. That's okay. Please, you know, don't be</p> <p>8 texting on the --</p> <p>9 A. I mean, I can --</p> <p>10 (Simultaneous indiscernible crosstalk.)</p> <p>11 A. I can get that for you or I'd have to call</p> <p>12 them. I would have to call them. I don't</p> <p>13 know the actual name. They're out of</p> <p>14 California. They call me every single day</p> <p>15 looking for hope, every day. And they're</p> <p>16 owed about 15 million.</p> <p>17 Q. And is that they delivered inventory and then</p> <p>18 when you sold it, you would pay that back?</p> <p>19 Is that how the arrangement worked?</p> <p>20 A. Yeah, they -- well, they -- and '21 was so</p> <p>21 big, the launch in '20, that they ordered --</p> <p>22 they -- their salesmen and our procurement,</p> <p>23 they ordered it based on those numbers, and</p> <p>24 nobody thought that -- that -- that things</p> <p>25 would collapse like they did.</p>
<p style="text-align: right;">Page 218</p> <p>1 sell -- like, for instance, their slippers</p> <p>2 will take, at its current rate, probably nine</p> <p>3 years to sell.</p> <p>4 Now, if the commercial was still</p> <p>5 successful, like in '21, boom, you would</p> <p>6 be -- you'd run through all that inventory,</p> <p>7 but now they're -- like I say, our inventory</p> <p>8 now is -- a lot of the inventory we have,</p> <p>9 like the slippers, it's not the inventory we</p> <p>10 need. We need our inventory that we make,</p> <p>11 which is our MyPillows and this -- and the</p> <p>12 new topper commercial, but now they have us</p> <p>13 on cash only.</p> <p>14 So we live day to day. I take</p> <p>15 every dime I make out of my -- everything I</p> <p>16 make I stick in every day. I wake up in the</p> <p>17 morning. I grab out of every account I can</p> <p>18 just to keep going with MyPillow, and I leave</p> <p>19 maybe 10 grand at the most in all the</p> <p>20 accounts combined.</p> <p>21 And there's no assets --</p> <p>22 (Simultaneous indiscernible crosstalk.)</p> <p>23 A. By the way, the IRS has on the house I'm</p> <p>24 sitting in, the IRS has a \$5 million lien</p> <p>25 against it, and that's the only other asset I</p>	<p style="text-align: right;">Page 220</p> <p>1 Those guys were going to put --</p> <p>2 their biggest thing was they were going to</p> <p>3 put it in box stores all over the country,</p> <p>4 and they had it all set up.</p> <p>5 And then after -- in January of</p> <p>6 '21, when I -- when I went public for the</p> <p>7 elections, then none of the box stores would</p> <p>8 take all the slippers they had. So they --</p> <p>9 it wasn't their fault. I mean, they -- it</p> <p>10 just decimated.</p> <p>11 That's where the slippers -- the</p> <p>12 majority of the money owed them would have</p> <p>13 been -- would have been inventory that was</p> <p>14 ordered for box stores and all the box stores</p> <p>15 cancelled them, too. They couldn't put</p> <p>16 MySlippers anywhere.</p> <p>17 This was all -- you know, it --</p> <p>18 because they're -- Mike Lindell is out there</p> <p>19 trying to help the country and get paper</p> <p>20 ballots hand counted, they -- they got --</p> <p>21 they got hammered, too. They couldn't --</p> <p>22 they couldn't get them in any box store.</p> <p>23 They had everything set up.</p> <p>24 They are a big company and they</p> <p>25 were going to be in every -- every shoe</p>

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<p style="text-align: right;">Page 221</p> <p>1 store, box store and all of them said, no, 2 nothing to do with -- with MyPillow. So 3 that's -- that's where they're at, and they 4 will testify to that. 5 It's just been devastating. It's a 6 big company, but they -- I'm not -- they call 7 me, like I say, about -- just about every 8 day. Is there any hope? And I say, Well, 9 the commercial is down. They're saying, oh, 10 we're going to sit on this inventory. 11 And, you know, we were kind of 12 hoping that the box stores maybe would change 13 their mind, but we just approached a shopping 14 channel and a couple box stores just last 15 week and got up the range and they said, 16 Absolutely not. That was Home Shopping 17 Network and a couple other box stores. 18 We've approached Wal-Mart and -- 19 because they were the last ones to cancel, 20 and they said no to the slippers, too. These 21 guys have tried -- tried themselves out there 22 in vain and to no avail. 23 Q. I want to talk about another item on the 24 balance sheets, which is the loans that are 25 listed under Fixed Assets.</p>	<p style="text-align: right;">Page 223</p> <p>1 that's -- that I'd have to ask. That's 2 bizarre. 3 I know there is a -- there's a 4 Lindell Management. We used the management 5 company that -- at one point because I had 6 the other companies -- other companies like 7 MyStore and I had Lindell Recovery Network 8 and Lindell Foundation. 9 There was different things that 10 Lindell Management paid for and had to 11 manage, and I know MyPillow at one time -- 12 that could be the 150 a month that was 13 charged to Lindell Management. 14 But I don't know why -- "ME" for 15 management company, that doesn't make sense. 16 The short answer is I don't know. But that 17 would be the only inconsistent number. What 18 year is this? '21? 19 Q. This is 2018. This is 2018. 20 A. Then it definitely wouldn't be 20 -- I know 21 what "ME" is. "ME" is the Middle East. I'm 22 sorry. You didn't tell me it was 2018. The 23 Middle East. We had a pillow company over in 24 Qatar. That's -- you didn't tell me the 25 year. Yeah, that's definitely Middle East.</p>
<p style="text-align: right;">Page 222</p> <p>1 MR. FREY: If you can go to the 2 2018 one, Julie. This is Exhibit 732. 3 BY MR. FREY: 4 Q. You see there on the left-hand side there's 5 total current assets and then there's fixed 6 assets. Under that is other assets. 7 You go down another break, it's 8 total deposits and there's four items, 1810 9 through 1901. Do you see that? 10 A. Yep. 11 Q. So that first one there, what is ME? 12 A. It's not "me," if that's what you're 13 thinking. I don't write these things. 14 The "UK," that's an easy one, that 15 they owe us money and that -- that got 16 decimated. He couldn't pay it when we -- so 17 that got gone. 18 ME -- um, I don't know. 19 Q. I'll tell you from looking at these, it looks 20 to be a consistent 150,000, like, just 21 throughout time -- 22 A. Oh, um -- 23 Q. -- so it doesn't change. 24 A. That's always 150? I don't know. That's a 25 fee -- you know what? I don't know that</p>	<p style="text-align: right;">Page 224</p> <p>1 The Middle East, there was a 2 company over there and they were -- we -- we 3 had investors that put money in there. We 4 were paying 150,000 a month, and they totally 5 burned us. They -- that happened back then. 6 So it was -- yeah, that's what that is, the 7 Middle East. 8 Q. Okay. Okay. The next one then is MyPillow 9 UK, right? 10 A. Yep. 11 Q. And so My -- so MyPillow, I guess, US, Inc. 12 has loaned money to MyPillow UK or did so in 13 2018? 14 A. Yep. 15 Q. Okay. And what's the purpose of that loan? 16 A. To the UK? Because the UK was a separate 17 company and MyPillow was loaning it money in 18 that entity to the UK to get it going to -- 19 it looks like the money carries over each 20 month. It's not a new -- it's not a new -- 21 that 150 was a one-time charge. You do see 22 that, right? 23 Q. Yes. Yes. 24 A. Right. Right. So -- so it was only original 25 150.</p>



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<p>1 The set-up of the UK was 589,000</p> <p>2 when we set up the building, the workers, the</p> <p>3 call center. I did this remotely. We hired</p> <p>4 people. We -- our building, that was</p> <p>5 inventory that went there.</p> <p>6 MyPillow loaned the money -- the</p> <p>7 people that owned the UK company, it wasn't</p> <p>8 all of the MyPillow stockholders, just like</p> <p>9 the Middle East was not. So we had to do it</p> <p>10 as a mother ship loan to that company. The</p> <p>11 investors that went in -- some of the</p> <p>12 MyPillow stockholders went in and some chose</p> <p>13 not to. So that was -- that was their own</p> <p>14 decisions back then.</p> <p>15 Like the Middle East, I wasn't</p> <p>16 even -- I didn't even invest in that myself.</p> <p>17 That was -- I believe about five of the</p> <p>18 stockholders went into that. So it would</p> <p>19 have been a separate company. We borrowed</p> <p>20 money from MyPillow to that.</p> <p>21 Basically, it wasn't a loan. It</p> <p>22 was inventory. That would be inventory or</p> <p>23 start-up costs. We gave them -- my guess is</p> <p>24 that would be inventory on consignment where</p> <p>25 we give it to them, they start up, and</p>	<p>1 attacking MyPillow, kind of like you guys --</p> <p>2 Q. Do you know whether --</p> <p>3 (Simultaneous indiscernible crosstalk.)</p> <p>4 Q. Do you know whether they ever -- it doesn't</p> <p>5 matter.</p> <p>6 Let's go to the next one, "Loan</p> <p>7 From Company." Who is the "from company"?</p> <p>8 A. I don't know on that. I don't know on that.</p> <p>9 There's -- there's many times that I have had</p> <p>10 to borrow millions of dollars to MyPillow.</p> <p>11 I think right now -- at one time</p> <p>12 MyPillow -- my book came out. This could be</p> <p>13 part of my book, because when my book came</p> <p>14 out, MyPillow put up some of the money</p> <p>15 because we -- we printed 3 million copies and</p> <p>16 it was -- I remember it was \$12 million. We</p> <p>17 bought our own paper and stuff. And I own my</p> <p>18 book, but MyPillow was going to be selling</p> <p>19 it.</p> <p>20 So I think part of that was a --</p> <p>21 MyPillow got given -- given product, books to</p> <p>22 sell, and so they bought books and then they</p> <p>23 were selling them at that time.</p> <p>24 That's what I'm guessing, because</p> <p>25 2018, that would coincide with my book</p>
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<p>1 then -- because I'm just looking here across.</p> <p>2 The Middle East never got off the</p> <p>3 ground. That was -- all the inventory was</p> <p>4 destroyed. It went over in the ships and it</p> <p>5 all got -- something happened to it. I</p> <p>6 remember that. And it was -- the inventory</p> <p>7 got destroyed and we actually had to go to</p> <p>8 court with the Middle East people, but I</p> <p>9 don't know what ever came out of that.</p> <p>10 The next one, the UK, yeah, that</p> <p>11 would have been inventory and stuff, and</p> <p>12 that -- that was slow, slow and then that</p> <p>13 ended up getting -- by that guy you seen,</p> <p>14 Andy whatever took that over.</p> <p>15 And then after the 2020 -- January</p> <p>16 of 2021, he was just destroyed over there in</p> <p>17 the UK because I was in the news as the CEO</p> <p>18 of MyPillow, that they -- you know, they tied</p> <p>19 the two together and they just decimated</p> <p>20 that -- that plant.</p> <p>21 Q. And so MyPillow UK is no longer --</p> <p>22 A. No, no, no. That went under because of me</p> <p>23 talking about elections. That's why that</p> <p>24 went under. That was -- The Daily Mail would</p> <p>25 attack me all the time from over there,</p>	<p>1 launch, I think, unless it was '19.</p> <p>2 That's -- I don't know.</p> <p>3 But if there's intercompany loans,</p> <p>4 that's usually money owed to myself</p> <p>5 permanently. Like right now MyPillow owes me</p> <p>6 a lot of money because -- and --</p> <p>7 Q. And I'll represent to you that that "loan</p> <p>8 from company" line item, we'll see it stays</p> <p>9 on -- it stays the balance sheets all the way</p> <p>10 through.</p> <p>11 A. Then it's probably -- it's probably -- it's</p> <p>12 probably the books, then, is what I'm</p> <p>13 guessing. It goes up -- it goes up to -- it</p> <p>14 goes up to 1,000 and 2,600. That would</p> <p>15 probably be book inventory being transferred,</p> <p>16 that's my guess, because it does increase.</p> <p>17 It does increase.</p> <p>18 And I believe you will see on the</p> <p>19 '23 taxes that we finally transferred</p> <p>20 everything, because the books were a big</p> <p>21 thing that we had to get transferred, and I</p> <p>22 believe it was either 2022, but I think it's</p> <p>23 2023, taking all those losses that -- because</p> <p>24 myself, for the books transferred over, there</p> <p>25 was -- there would be profit, a \$2 profit per</p>



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<p style="text-align: right;">Page 229</p> <p>1 book, and I believe my accountant put that on</p> <p>2 the 2023 taxes. That's -- that's what I'm</p> <p>3 guessing. I'm 99 percent that's probably the</p> <p>4 books.</p> <p>5 Q. That's what that is, okay.</p> <p>6 And then there is another one,</p> <p>7 "Loan From Company - Other," and that looks</p> <p>8 like it's a consistent amount, again, kind of</p> <p>9 similar --</p> <p>10 A. That was only -- it's not the amount. It's</p> <p>11 50 grand one time. You know what I'm saying?</p> <p>12 Q. One time it's --</p> <p>13 A. Right.</p> <p>14 (Simultaneous indiscernible crosstalk.)</p> <p>15 A. And I -- I don't know what that is and we</p> <p>16 would have to look at the following years to</p> <p>17 see when it was ever zeroed out or what</p> <p>18 happened. That's -- the tax guys do that. I</p> <p>19 don't know. You're bringing me back to 20 --</p> <p>20 2018. I can only -- I know my book was</p> <p>21 around that time. I don't know what the</p> <p>22 50 would be.</p> <p>23 Q. Okay. Okay. Let's go to the next --</p> <p>24 A. It could've been -- that one could've been --</p> <p>25 that one could've been New -- what's the</p>	<p style="text-align: right;">Page 231</p> <p>1 what you want, but they haven't paid us back.</p> <p>2 So, in fact, it's a loan. They owe us that</p> <p>3 money, but it never got paid to us.</p> <p>4 You don't charge interest on</p> <p>5 inventory you give them. You expect to get</p> <p>6 paid. But they -- now, whether we ever got</p> <p>7 paid or not, I don't know.</p> <p>8 Q. Okay. Yeah, and I'm not -- I wasn't calling</p> <p>9 it a loan. I'm just reading -- I'm just</p> <p>10 trying to understand.</p> <p>11 A. And I'm just giving you the answer the best I</p> <p>12 can remember there, because MyPillow did not</p> <p>13 need -- you know, obviously in 2018 these</p> <p>14 were subsidiary companies or vendors we were</p> <p>15 trying to help out.</p> <p>16 You guys do realize that back</p> <p>17 then -- prior to '21 I didn't use a bank. I</p> <p>18 never used a bank ever. I would just --</p> <p>19 since we had -- we were cash -- we were doing</p> <p>20 for '08 all the way up through until '21, I</p> <p>21 could be -- if I was negotiating with people,</p> <p>22 you know, I would say, Here, I want a better</p> <p>23 price, but I'll be your bank.</p> <p>24 Like -- even like the box stores</p> <p>25 and stuff like that, I didn't have to -- I</p>
<p style="text-align: right;">Page 230</p> <p>1 country by Australia? New Zealand. That</p> <p>2 could've been New Zealand because we would</p> <p>3 help those guys out.</p> <p>4 But they got wiped out, too, in</p> <p>5 January of '21 after they couldn't do</p> <p>6 business over there anymore because, you</p> <p>7 know, MyPillow was just attacked.</p> <p>8 Q. And these loans that we have here, the UK,</p> <p>9 the loan from company, do you know if there's</p> <p>10 interest owed on those loans or if they're</p> <p>11 interest-free, kind of intercompany --</p> <p>12 A. I don't know. I didn't write them up. I</p> <p>13 didn't write them up. But I know when we --</p> <p>14 I know when Andy took over the UK, that was</p> <p>15 all worked out then.</p> <p>16 I think those loans -- when it says</p> <p>17 "loan," it would be inventory on consignment.</p> <p>18 So you're giving people inventory and you</p> <p>19 expect to get paid back for the inventory</p> <p>20 they sell. That's what that is. That's what</p> <p>21 the "ME" is and that's what the "UK" is. And</p> <p>22 I assume that one for 50 is probably New</p> <p>23 Zealand.</p> <p>24 When it's "loan," it's inventory</p> <p>25 given to them on consignment. So call it</p>	<p style="text-align: right;">Page 232</p> <p>1 would give them a good price, but they had to</p> <p>2 pay within 30 days rather than 90 days.</p> <p>3 Or even QVC, you know, we were --</p> <p>4 we didn't have -- we're not a bank. And if</p> <p>5 they want us to (indiscernible) -- no, but</p> <p>6 they wanted the product so bad, that they</p> <p>7 would -- you know, they'd make exceptions and</p> <p>8 pay us.</p> <p>9 But these guys here, those are the</p> <p>10 three we got burned on, it looks like.</p> <p>11 Q. Okay. Let's go to the next year,</p> <p>12 Exhibit 733. This will be the 2019. And if</p> <p>13 we go down to the loans for -- this same</p> <p>14 section of the balance sheet, you see those</p> <p>15 four we just talked about are still there?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And then there is a 1950, "Related Party</p> <p>18 Loans," and I just want to explore what these</p> <p>19 ones would be.</p> <p>20 A. Right.</p> <p>21 Q. So the first is MyStore?</p> <p>22 A. Uh-huh. Right.</p> <p>23 Q. And so what's the -- is that inventory --</p> <p>24 A. They are not --</p> <p>25 Q. -- consignment again?</p>

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<p style="text-align: right;">Page 233</p> <p>1 A. They are not loans. They are miscalculated.  2 They're filed wrong.  3 MyStore is a separate entity and  4 MyPillow has an agreement with them. They do  5 the fulfillment for MyStore. So they do  6 fulfillment for MyStore and MyStore has to  7 pay them. I don't know what -- I can't  8 remember the percentages. So much for  9 fulfillment and so much for call center, and  10 those numbers change.  11 This is when MyStore, I think,  12 first started out in '19. I don't know. And  13 I don't know -- this is just what I am  14 assuming, that we were very small then and --  15 that would be the only thing I could think  16 of.  17 And then you see like Lindell  18 Management. I don't know what \$973.30 -- I  19 have no idea what that would be, you know.  20 These -- usually MyPillow would owe Lindell  21 Management, because there was a monthly fee  22 that was charged because we had different  23 people doing stuff for different entities.  24 So rather than take their wages  25 apart, you would have a management company</p>	<p style="text-align: right;">Page 235</p> <p>1 started billing -- Lindell Management billing  2 MyPillow for their fees.  3 Q. But this looks like that MyPillow is giving  4 money to Lindell Management, right?  5 A. Yeah. They have to because Lindell  6 Management owes -- did the work. Lindell  7 Management did the work. We have to pay --  8 they had to pay their employees and then  9 Lindell Management -- MyPillow would owe them  10 money. That's correct.  11 Q. What work is Lindell Management performing  12 for MyPillow?  13 A. Like IT work. Back then -- lawyers. Back  14 then there was -- there was different people  15 that were brought in and we put them all --  16 the company said let's put them into Lindell  17 -- this separate entity so that you could  18 take a person like -- I believe -- even Doug  19 Wardlow, I believe, was a Lindell Management  20 employee, the internal -- the lawyer, because  21 he was -- he might do work for Lindell  22 Offense -- I mean Lindell Recovery Network or  23 he might do work for MyPillow or he might do  24 work for MyStore. So you had to separate his  25 wage. Well, rather than doing that, you just</p>
<p style="text-align: right;">Page 234</p> <p>1 that would charge -- prorate like each person  2 that did something for each -- each entity.  3 That's what we started out and then  4 we -- then we switched it to make it easier,  5 like MyStore had their own employees and  6 then -- and then MyPillow charges a fee, a  7 percentage fee, based off products sold that  8 they have to fulfill, so much a package and  9 then so much a -- for the call center.  10 We do that for other companies,  11 too, not just MyStore. We tried to diversify  12 a little bit there, too. In fact, we're in  13 the process of getting -- because we have a  14 really good call center and these people work  15 hard, and we want to add other companies to  16 do their tele -- their call centers.  17 Q. Okay. So that's the MyStore. Then the  18 Lindell Management piece you kind of touched  19 on. So that's a separate company --  20 A. Right.  21 Q. -- right?  22 A. Separate company. Yep. Nope. So there  23 would be -- that's when the no management --  24 I think that's when that first started out,  25 too. So we tried different things and then</p>	<p style="text-align: right;">Page 236</p> <p>1 put him there and you billed -- we didn't  2 upcharge. We just billed exactly to -- it  3 was a way to separate the employees that  4 worked.  5 For example, IT. IT, Todd Carter  6 would be one. He was put into Lindell  7 Management back then and -- because he did IT  8 work for -- not only for MyStore's website --  9 that's originally how it started; MyStore,  10 when it was being developed, and Lindell  11 Recovery Network and MyPillow at the same  12 time. It wasn't fair to MyPillow to pay just  13 Todd when he is doing work for MyStore and  14 also Lindell Recovery Network and Lindell  15 Foundation. That was back -- this is from  16 2018 and 2019. That's when we had to form  17 Lindell Management, because it was very  18 unfair to MyPillow having these guys do other  19 work.  20 So we just divided it up and then  21 Lindell Management -- or MyPillow would pay  22 Lindell Management for what it needed, for  23 the work that they had done there. So in a  24 given thing if there was a lot of work to be  25 done there, then, you know, it was billed. I</p>

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<p style="text-align: right;">Page 237</p> <p>1 think back then it was billed by the -- like</p> <p>2 if you look at Lindell Management and then</p> <p>3 you have that big fee that came in of</p> <p>4 354,000, my guess is that there was massive</p> <p>5 work done for MyPillow. It could've been</p> <p>6 when we got a new website. That might have</p> <p>7 been when we changed from -- lost Magento and</p> <p>8 we had to add Magento 2.0. So Todd Carter</p> <p>9 and another team that he hired indirectly</p> <p>10 that we had for a short time, then MyPillow</p> <p>11 would be billed for that.</p> <p>12 Just like underneath the Lindell</p> <p>13 Canada -- go ahead.</p> <p>14 Q. Hold on for one second. If MyPillow is being</p> <p>15 billed for it, so they're paying that to</p> <p>16 Lindell Management, it's not really -- it's</p> <p>17 not really a loan then, it's just a payment</p> <p>18 out the door, right? So it wouldn't be --</p> <p>19 (Simultaneous indiscernible crosstalk)</p> <p>20 A. No, it's not a -- this is wrong here. This</p> <p>21 is -- this is wrong the way I'm reading it</p> <p>22 because then you have Lindell Foundation. I</p> <p>23 mean, that -- this is -- you know, I don't</p> <p>24 understand this accounting back then. And we</p> <p>25 had a real accountant back then, too. I</p>	<p style="text-align: right;">Page 239</p> <p>1 loan and you're kind of explaining to me that</p> <p>2 it's not really that. We can --</p> <p>3 A. No, no, no, it's not really that. Like</p> <p>4 Lindell Foundation, like the foundation,</p> <p>5 MyPillow, they did -- people within that --</p> <p>6 like the -- they didn't borrow money from the</p> <p>7 foundation. They owe the money to the</p> <p>8 foundation. They gave money to the</p> <p>9 foundation.</p> <p>10 Like let's say we built a website</p> <p>11 for them. It was like donation in kind. And</p> <p>12 maybe it had to be down as a loan and then</p> <p>13 when it's donated -- I don't know how that</p> <p>14 works. That would be a CPA question, and he</p> <p>15 would be able to answer that or the guy that</p> <p>16 did this, which was -- and I would put --</p> <p>17 there's a very good reason that he did it</p> <p>18 this way because that guy we had then as our</p> <p>19 controller and call it CFO was very good.</p> <p>20 Q. And then the last one, Lindell Publishing,</p> <p>21 what is Lindell Publishing?</p> <p>22 A. That is my book. That was -- that was an</p> <p>23 entity that was created for my book. So that</p> <p>24 is -- when you see it go up to 1.2 --</p> <p>25 1,200,000, that would be MyPillow -- when I</p>
<p style="text-align: right;">Page 238</p> <p>1 mean, we had -- I believe that was Mark</p> <p>2 Schafer. He was very good at what he did, if</p> <p>3 this was from 2019. So I almost have to go</p> <p>4 back and ask him why were these siloed out</p> <p>5 that way. You know, you have -- it doesn't</p> <p>6 make sense to me.</p> <p>7 Like Lindell loan for Canada, in</p> <p>8 Canada we have a company that was put up</p> <p>9 there, like I told you, when Donald Trump put</p> <p>10 in -- these things in place and I made a deal</p> <p>11 with Trudeau's office and we put a company up</p> <p>12 in Canada and -- because they were going to</p> <p>13 charge tariffs and all this other stuff. And</p> <p>14 they said if we put a plant up there, they</p> <p>15 wouldn't do that.</p> <p>16 So that -- Canada -- MyPillow owes</p> <p>17 Canada. The Canada thing is our own entity,</p> <p>18 though. All the stockholders in MyPillow own</p> <p>19 Canada. MyPillow owned the Canada entity.</p> <p>20 So I don't know how to explain</p> <p>21 accounting-wise how this works, but I'm just</p> <p>22 trying to explain why -- the relationships</p> <p>23 between them and --</p> <p>24 Q. So it's not -- you know, as I'm reading this</p> <p>25 and I'm thinking about it, I'm thinking of a</p>	<p style="text-align: right;">Page 240</p> <p>1 made the book, MyPillow -- MyPillow put in</p> <p>2 some money there, but that was so they could</p> <p>3 get copies that they were going to sell.</p> <p>4 The rest of the copies I was going</p> <p>5 to all the box stores in the country,</p> <p>6 including Christianbookstores.com. What's</p> <p>7 the big one out there for books? I can't</p> <p>8 think right now. But all of them cancelled</p> <p>9 right after the -- January of '21 I got</p> <p>10 cancelled everywhere, even at</p> <p>11 Christianbooks.com.</p> <p>12 So I had 3 million books</p> <p>13 preprinted, \$12 million worth. And we were</p> <p>14 on a pace when we launched, we would have --</p> <p>15 we would've went through the books maybe in</p> <p>16 three years. Instead now I think my son</p> <p>17 said, Dad, we'll have books until 2064. They</p> <p>18 all cancelled on us in January of '21. So</p> <p>19 we're sitting on that, too.</p> <p>20 That was my direct loss because</p> <p>21 that was personal money I put in. And</p> <p>22 MyPillow, you know, they were able to sell</p> <p>23 some, but we still have millions and millions</p> <p>24 of dollars' worth that are sitting in a</p> <p>25 warehouse right now.</p>

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<p style="text-align: right;">Page 241</p> <p>1 Q. Okay. So at least for publishing then, that</p> <p>2 would have been a loan where MyPillow had</p> <p>3 purchased that and expected kind of repayment</p> <p>4 in that amount?</p> <p>5 A. Nope. Nope. MyPillow purchased the books.</p> <p>6 Q. Right.</p> <p>7 A. And that was a loan to them. But now that</p> <p>8 got turned in -- they actually bought the</p> <p>9 books. They finally paid for them is</p> <p>10 basically -- so it was put as a loan to 2023</p> <p>11 last year. So now the CPA turned that --</p> <p>12 instead of that being a loan, it now becomes</p> <p>13 income on Mike Lindell because they purchased</p> <p>14 the books and actually sold them.</p> <p>15 That was inventory, basically, that</p> <p>16 I gave them on consignment -- or that -- no,</p> <p>17 that was kind of like prepaid for inventory.</p> <p>18 That's what that would be. So they prepaid</p> <p>19 for books they were going to sell. And I</p> <p>20 didn't charge them for them until last year</p> <p>21 and say, hey, you guys gotta pay me for these</p> <p>22 books now. Do you follow me?</p> <p>23 Q. Understood. Understood.</p> <p>24 A. Right. Right. Right.</p> <p>25 Q. Okay. All right. So I want to fast-forward</p>	<p style="text-align: right;">Page 243</p> <p>1 FrankSpeech. FrankSpeech has other</p> <p>2 stockholders, too, not just Mike Lindell. So</p> <p>3 there's a big IOU from MyPillow on that, too.</p> <p>4 It's -- you know, even though it's</p> <p>5 a big advertising platform, MyPillow got so</p> <p>6 decimated you couldn't -- it was like nothing</p> <p>7 got -- nothing got paid. But at that time,</p> <p>8 since it was Mike Lindell, it wasn't as</p> <p>9 concerning as when you had other -- other</p> <p>10 stockholders. And so I put money in there.</p> <p>11 It ends up -- it ends up -- the way</p> <p>12 it all sits today, every entity owes me</p> <p>13 millions of dollars. MyPillow is owed about</p> <p>14 -- they're not owed anything, I guess. They</p> <p>15 owe -- they owe me millions and they owe</p> <p>16 millions of dollars. That's where MyPillow</p> <p>17 is sitting.</p> <p>18 Q. Just -- I'm trying to understand this</p> <p>19 FrankSpeech one because it's listed as an</p> <p>20 asset, which would mean to me that it's</p> <p>21 something that is owed from FrankSpeech to</p> <p>22 MyPillow.</p> <p>23 A. Well, maybe in the beginning -- maybe in the</p> <p>24 beginning if I borrowed money -- I'd have to</p> <p>25 -- once again, I'd have to ask the thing. In</p>
<p style="text-align: right;">Page 242</p> <p>1 to 2022. Yeah, this one, December of 2022</p> <p>2 and look at -- there's a few new related</p> <p>3 party loans listed that I just want to</p> <p>4 understand, and they're at the bottom.</p> <p>5 So it's 1958, FrankSpeech. And you</p> <p>6 can see -- if you go over to August, it's</p> <p>7 initially 250,000 and then it kind of goes up</p> <p>8 and up, and then by December it's 3.5</p> <p>9 million. What is this --</p> <p>10 A. What now? Where are you looking at?</p> <p>11 Q. The FrankSpeech. It's 1958.</p> <p>12 A. Yeah. They -- they -- we advertised on</p> <p>13 FrankSpeech, MyPillow does, so they owe</p> <p>14 FrankSpeech money for advertising.</p> <p>15 I don't know. That's another</p> <p>16 thing, I don't know the line there because I</p> <p>17 have no idea. They -- MyPillow right now,</p> <p>18 they have to pay my FrankSpeech for</p> <p>19 advertising.</p> <p>20 What year is this?</p> <p>21 Q. This is 2022.</p> <p>22 A. 2022. MyPillow probably did not have the</p> <p>23 money to pay FrankSpeech for advertising. We</p> <p>24 were decimated by 2022 and 2023. So there's</p> <p>25 probably a big IOU they owed me or owed</p>	<p style="text-align: right;">Page 244</p> <p>1 the beginning -- what year is this?</p> <p>2 Q. 2022.</p> <p>3 A. Yeah. See, I don't know. That would be --</p> <p>4 you'd have to ask an accountant.</p> <p>5 Now, to me the way it's listed it</p> <p>6 would be FrankSpeech owing MyPillow, which</p> <p>7 would be that -- so I don't know. I would</p> <p>8 have to -- that I would have to -- I would</p> <p>9 have to check on that. FrankSpeech owing</p> <p>10 MyPillow would mean that they -- that it</p> <p>11 would be owing me. So I don't know.</p> <p>12 All those intercompany loans, that</p> <p>13 was -- that -- just recently that's been gone</p> <p>14 through and -- by an audit. That one did get</p> <p>15 done. So there's no -- if you go back</p> <p>16 then -- if -- if MyPillow owed FrankSpeech,</p> <p>17 that it would be down as -- he put it down as</p> <p>18 a loan or that would be the same type of</p> <p>19 thing.</p> <p>20 The way I'm reading this, that's</p> <p>21 owed money that MyPillow prepaid advertising</p> <p>22 and they put it down as a loan. That would</p> <p>23 be my guess there. And then as we rolled out</p> <p>24 of that and now it -- they -- it would turn</p> <p>25 into kind of like before where MyPillow</p>



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<p style="text-align: right;">Page 245</p> <p>1 prepaid their money that they have to pay</p> <p>2 every month for advertising. But that's</p> <p>3 current now, so that would be -- that would</p> <p>4 be my guess on that.</p> <p>5 Q. But you're not sure, right, either way?</p> <p>6 A. I'm not sure. It's kind of like I just</p> <p>7 signed up for a gold company. The gold</p> <p>8 company -- and they prepaid for the whole</p> <p>9 year. I needed money. That's gone in a day.</p> <p>10 So I'll give an example. I did a</p> <p>11 gold company deal. They gave me X amount. I</p> <p>12 think it was 1 million, 1.5 million. I took</p> <p>13 it. Because of my endorsement I took it. I</p> <p>14 borrowed it to MyPillow and it was gone in a</p> <p>15 day.</p> <p>16 So it's just like MyPillow back</p> <p>17 then probably gave FrankSpeech here's upfront</p> <p>18 money for advertising and it's down as a loan</p> <p>19 until you -- that advertising gets paid for.</p> <p>20 That's what it looks like to me. I would say</p> <p>21 I'm 95 percent based on what I know that</p> <p>22 that's what that would be. In fact, I'm</p> <p>23 almost a hundred percent. That's the only</p> <p>24 thing it could be, because it's not the other</p> <p>25 way around.</p>	<p style="text-align: right;">Page 247</p> <p>1 basically -- I guess he labeled that as a</p> <p>2 loan, too. Is it labeled as a loan?</p> <p>3 Q. It is labeled as a loan. And just so I</p> <p>4 understand --</p> <p>5 A. Right -- same thing. Right.</p> <p>6 Q. -- MyPillow gave the money to FrankSpeech to</p> <p>7 help build out its platform --</p> <p>8 A. No. No. No. MyPillow gave money to</p> <p>9 FrankSpeech for prepaid advertising and</p> <p>10 that's -- FrankSpeech used it for X because</p> <p>11 we had -- it became a c corp. So you have to</p> <p>12 have contracts with all these things and they</p> <p>13 prepaid just like the gold company did at</p> <p>14 FrankSpeech.</p> <p>15 When you have a platform like</p> <p>16 FrankSpeech, these guys come in and will</p> <p>17 prepay advertising. MyPillow did the same</p> <p>18 thing. But this obviously -- this</p> <p>19 controller, which would have been Mark</p> <p>20 Schafer, labeled it as a loan rather than</p> <p>21 prepaid advertising.</p> <p>22 Now, I don't know -- I don't know</p> <p>23 why he -- because he did the same thing with</p> <p>24 those other things, whether it was Canada,</p> <p>25 whether it was the Middle East or whatever.</p>
<p style="text-align: right;">Page 246</p> <p>1 This was listed as an asset. So</p> <p>2 you have advertising you paid for that you</p> <p>3 haven't -- you haven't used yet. And this</p> <p>4 was in 2022. You know, I don't -- I think --</p> <p>5 what's the month? What's the month? I can</p> <p>6 tell you then. Because in 2022 FrankSpeech</p> <p>7 got turned into a c corp in the summer.</p> <p>8 Q. It begins in August of 2022, I believe is the</p> <p>9 initial. And then --</p> <p>10 A. Yep. Okay. That's -- that's what it is.</p> <p>11 August of 2022 MyPillow -- or FrankSpeech got</p> <p>12 other stockholders and it got turned into a c</p> <p>13 corp. And a deal was made with MyPillow for</p> <p>14 advertising and to --</p> <p>15 So that money got put in to --</p> <p>16 actually would help build my FrankSpeech</p> <p>17 using for that, using that money to build a</p> <p>18 new -- a new -- it was a new back end, I</p> <p>19 believe, in the -- and that might've been</p> <p>20 '22.</p> <p>21 In August of 2022 I'm sure that</p> <p>22 that's when we turned into a c corp, and that</p> <p>23 money would go for the construction of my</p> <p>24 FrankSpeech, and then how it would get paid</p> <p>25 back was advertising money to MyPillow. So</p>	<p style="text-align: right;">Page 248</p> <p>1 So he did -- he was consistent in how he</p> <p>2 labeled this.</p> <p>3 Now, I would have to ask the CPA</p> <p>4 why would he label it like that and not like</p> <p>5 prepaid advertising or prepaid -- you know</p> <p>6 what I mean, prepaid inventory, like</p> <p>7 inventory. I know the ME one and the Canada</p> <p>8 ones were also inventory.</p> <p>9 Now, that would be the same thing</p> <p>10 with FrankSpeech because that is inventory.</p> <p>11 They're prepaying for advertising inventory.</p> <p>12 If FrankSpeech right now -- if I -- if --</p> <p>13 FrankSpeech, if they go out and get five</p> <p>14 advertisers and then there's no room for any</p> <p>15 more advertisers, the ones you have pre</p> <p>16 bought, and like the gold company, they want</p> <p>17 exclusive. They want to get as many spots as</p> <p>18 they could. That would be the same thing</p> <p>19 with MyPillow, that they prepaid the ad and</p> <p>20 it's labeled as a loan. He's very</p> <p>21 consistent. Same thing with -- same thing</p> <p>22 with every one of them.</p> <p>23 Q. And this is something that you could learn by</p> <p>24 speaking with the CPA, right?</p> <p>25 A. Oh, yeah. Absolutely. I can find out that</p>



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<p style="text-align: right;">Page 249</p> <p>1 in a phone call if you want me to call him</p> <p>2 right now. I could ask him.</p> <p>3 Q. And then, yeah, I'm just a little -- to be</p> <p>4 honest, a little frustrated, Mr. Lindell,</p> <p>5 because you are designated to testify as to</p> <p>6 these topics, something that you're supposed</p> <p>7 to do in advance of the deposition so that</p> <p>8 you would know this because you are the</p> <p>9 corporate representative of MyPillow</p> <p>10 designated to testify to this.</p> <p>11 A. Well, I tell you what, you know, you're</p> <p>12 pulling up stuff from 2018 and 2022. Sorry I</p> <p>13 didn't have the time to go through all this</p> <p>14 stuff of -- six years of stuff when you guys</p> <p>15 are coming after me.</p> <p>16 And I didn't feel real good this</p> <p>17 morning when I wake up and I have \$8,000 to</p> <p>18 my name and I'm 20 million in the hole at</p> <p>19 MyPillow and I've got your company,</p> <p>20 Smartmatic, suing me saying we made a profit</p> <p>21 off it. So excuse me.</p> <p>22 Now what would you like to tell me</p> <p>23 besides that? Excuse me.</p> <p>24 Q. I was going to say, Mr. Lindell, so I would</p> <p>25 just like to reserve the right, and I will</p>	<p style="text-align: right;">Page 251</p> <p>1 They're calculated every month. They're</p> <p>2 buying ads.</p> <p>3 So if there was -- let me see where</p> <p>4 it's at here. This is still August of 2022,</p> <p>5 right?</p> <p>6 Q. If we go to the right, we'll be in August.</p> <p>7 Yeah, this is 2022. And so there with the</p> <p>8 250 and the --</p> <p>9 A. When did Lindell TV start up here? Yeah,</p> <p>10 this is when we turned into a c corp and they</p> <p>11 had to -- and this was all -- all of this</p> <p>12 stuff was media that was -- that they were</p> <p>13 buying, advertising that they would end up</p> <p>14 buying and pay for it.</p> <p>15 And, by the way, these were rev</p> <p>16 shares, too. They ended up being rev shares</p> <p>17 with FrankSpeech and Lindell TV. So it's not</p> <p>18 like it wasn't anything different than any</p> <p>19 other platform out there. There was not</p> <p>20 favorites played. It was the same thing as</p> <p>21 whether it's Salem Media, whether it's --</p> <p>22 anyplace that had rev shares -- Cumulus,</p> <p>23 iHeart, any other platforms.</p> <p>24 But why that's listed as a loan --</p> <p>25 I don't know why it's -- probably as a loan</p>
<p style="text-align: right;">Page 250</p> <p>1 speak with your attorney about this, too, on</p> <p>2 this topic --</p> <p>3 A. I reserve the right to sue you for all you</p> <p>4 have done. That's what I reserve the right</p> <p>5 to do.</p> <p>6 (Simultaneous indiscernible crosstalk)</p> <p>7 MR. KACHOUROFF: Tim, can we go off</p> <p>8 the record for a second? I need to talk to</p> <p>9 Mr. Lindell. Do you mind?</p> <p>10 MR. FREY: No. That's fine.</p> <p>11 THE VIDEOGRAPHER: We are going off</p> <p>12 the record at 3:08 p.m.</p> <p>13 (A recess was taken.)</p> <p>14 THE VIDEOGRAPHER: We are back on</p> <p>15 the record 3:13 p.m.</p> <p>16 BY MR. FREY:</p> <p>17 Q. Mr. Lindell, back on the record. The last</p> <p>18 loan on here that I'm interested in is the</p> <p>19 Lindell TV, if you know anything about the</p> <p>20 Lindell TV loan.</p> <p>21 A. It's the same exact thing. They owed money</p> <p>22 to Lindell TV. It would be media.</p> <p>23 Everything there is product. It's labeled as</p> <p>24 loans, but it's product. It's where you're</p> <p>25 buying ads. That's a hundred percent.</p>	<p style="text-align: right;">Page 252</p> <p>1 because they're prepaying upfront on a lot of</p> <p>2 these things. They're prepaying, you know.</p> <p>3 So, like I say, these -- MyPillow</p> <p>4 would take -- would be -- the bank got a lot</p> <p>5 of things to be -- to be -- to take all the</p> <p>6 spots or to do whatever. We do it all the</p> <p>7 time. We would -- we would end up being the</p> <p>8 bank for all these platforms because -- but,</p> <p>9 obviously, that went away when -- with 2021</p> <p>10 and 2022, 2023 as you get into that. We</p> <p>11 didn't have the wherewithal to prepay for</p> <p>12 media, and we've lost a lot because of that,</p> <p>13 because we can't buy media because we don't</p> <p>14 have the funds anymore.</p> <p>15 So we're not in a position to go</p> <p>16 out and prepay like I wish I was where I</p> <p>17 could get a better deal at ABC going in and</p> <p>18 buying two months' worth or going --</p> <p>19 We lost all of our infomercials, by</p> <p>20 the way, at MyPillow. All of our</p> <p>21 infomercials are your half-hour</p> <p>22 infomercials, you have to prepay them for up</p> <p>23 to three months, to 90 days. We lost them</p> <p>24 all. We lost every one of them after '21.</p> <p>25 Q. Last thing I want to look at on these balance</p>

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<p style="text-align: right;">Page 253</p> <p>1 sheets is the equity. So if Julie will</p> <p>2 scroll down to the next page. And do you see</p> <p>3 there under Total Liabilities then you have</p> <p>4 equity?</p> <p>5 A. Yep.</p> <p>6 Q. And then under that 2500 shareholder</p> <p>7 distributions, do you know what these numbers</p> <p>8 represent?</p> <p>9 A. Yeah. Once again, this isn't even an</p> <p>10 account -- this is a CPA. This is his thing</p> <p>11 of how he deducts stuff.</p> <p>12 When you talk about equity, though,</p> <p>13 I would be -- I would assume the bottom line</p> <p>14 is what your company is worth with their</p> <p>15 inventory or maybe what your machines are</p> <p>16 worth. I don't know. Some of these would be</p> <p>17 depreciated assets.</p> <p>18 You know, I'm not a CPA, and sorry</p> <p>19 I didn't do my homework and study to be a</p> <p>20 CPA. I did take calculus in ninth grade.</p> <p>21 But I don't know what the numbers mean</p> <p>22 as according to the way you have to file them</p> <p>23 on your taxes.</p> <p>24 So when you go to the left -- if</p> <p>25 you go over to the left again -- if you</p>	<p style="text-align: right;">Page 255</p> <p>1 an identical number. And also capital</p> <p>2 stocks, it's the same number. That's an</p> <p>3 entry. And then if it changes, then it</p> <p>4 changes during that month. Those are -- it</p> <p>5 looks like those are concurrent.</p> <p>6 So if you look down to retained</p> <p>7 earnings or net income, it changes. These</p> <p>8 things here -- distribution, that's a</p> <p>9 negative. So I don't know what year that</p> <p>10 started, but it was a carryover from a</p> <p>11 previous year.</p> <p>12 So I'll give an example right now.</p> <p>13 What year is this here?</p> <p>14 Q. This is 2022.</p> <p>15 A. Okay. This is probably what that is. Right</p> <p>16 now all my employees in 2022 and 2023, if we</p> <p>17 ever make a profit again, they have -- if</p> <p>18 there ever is another distribution, they've</p> <p>19 already -- it won't be taxed because they</p> <p>20 have a negative. They lost money. It's like</p> <p>21 they lost 1.9, almost \$2 million.</p> <p>22 So like right now, I'll give an</p> <p>23 example, I couldn't deduct -- there's nothing</p> <p>24 to deduct against on my taxes when we took a</p> <p>25 loss of 10 million. So now if we ever get a</p>
<p style="text-align: right;">Page 254</p> <p>1 scroll to the left -- scroll to the left if</p> <p>2 you could, whoever is doing it, so I can see</p> <p>3 the -- all the way to the left. All the way</p> <p>4 to the left.</p> <p>5 So if I'm looking -- shareholder</p> <p>6 distributions, capital stock, shareholder</p> <p>7 paid-in-capital, treasury stock, retained</p> <p>8 earnings, net income a negative, total</p> <p>9 liabilities and equity you would definitely</p> <p>10 have to talk to a CPA. I don't think you</p> <p>11 could read this. I don't think I can read</p> <p>12 it. There's probably very few CEOs who would</p> <p>13 know what these means. These are for not</p> <p>14 just for accountants, but these are for CPAs,</p> <p>15 certified. If I had him on the phone right</p> <p>16 now, he would be able to explain, well, this</p> <p>17 was ding, ding, ding, ding. Right?</p> <p>18 Q. Okay. But to your recollection, I guess,</p> <p>19 it's not like there was a \$1.9 million</p> <p>20 distribution made in each of these months in</p> <p>21 2022?</p> <p>22 A. No. It's -- you see it's a carryover. Of</p> <p>23 course. You're looking at each month. Those</p> <p>24 are carryover numbers. I don't know what's</p> <p>25 wrong with you. You can see that. There's</p>	<p style="text-align: right;">Page 256</p> <p>1 distribution again, I've already paid tax on</p> <p>2 that because the company -- the company lost</p> <p>3 money on that.</p> <p>4 On the K-1s -- it didn't help your</p> <p>5 K-1. But when you would have income -- when</p> <p>6 you have income from a distribution, you have</p> <p>7 to pay tax on that or even if it went into</p> <p>8 inventory. That's the way it worked.</p> <p>9 But now -- because I argued with</p> <p>10 our accountant. I go are you kidding, so all</p> <p>11 these losses can't go against these peoples</p> <p>12 -- these employees that got decimated because</p> <p>13 the company lost its money? He goes, No.</p> <p>14 But he said if the company shows a profit</p> <p>15 again and -- then they won't have to on their</p> <p>16 K-1 -- so, in other words, we can go up</p> <p>17 probably about \$10 million now in profit</p> <p>18 maybe -- if we ever get profitable again and</p> <p>19 they won't have to pay on their K-1, even</p> <p>20 though that money will probably go into ever</p> <p>21 rebuild our inventory. It's a negative.</p> <p>22 So it's an asset for the</p> <p>23 stockholders, but it's only good if you ever</p> <p>24 show a profit again. But these are -- that's</p> <p>25 the best way I could explain that one. But,</p>

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<p>1 you know, again, I'm not a CPA. He would go</p> <p>2 -- any CPA -- if you get your own, they can</p> <p>3 probably go ding, ding, ding, here's</p> <p>4 what this means. It's a carryover of a loss</p> <p>5 for the company.</p> <p>6 You know, in the last two years</p> <p>7 we've lost \$20 million, but if one of our</p> <p>8 employees that made -- let's say he made</p> <p>9 75,000 for the year. In the years that he</p> <p>10 got a distribution he had to pay taxes on</p> <p>11 that even if he didn't -- even if the company</p> <p>12 made a lot of money and it wasn't all</p> <p>13 distribution, he still had to pay tax on that</p> <p>14 money that went into inventory. But now we</p> <p>15 have a loss. He doesn't get to take that</p> <p>16 against his paycheck. It's only if MyPillow</p> <p>17 ever becomes profitable again.</p> <p>18 It's not a good -- it's not good,</p> <p>19 and it's -- I think that's very unfair. But</p> <p>20 it's the way our accounting system is set up</p> <p>21 in this country.</p> <p>22 Q. Okay. So I'm done with the balance sheets.</p> <p>23 The last thing I want to look at is</p> <p>24 the Sales by Customer Summaries that we</p> <p>25 entered earlier. So these are Exhibits 737</p>	<p>1 back then when you're looking at this,</p> <p>2 Telebrands had -- they had Wal-Mart, too.</p> <p>3 So part of the year they had</p> <p>4 Wal-Mart, and Telebrands in 2018 -- I'm not</p> <p>5 sure what year Telebrands left and we took</p> <p>6 over. MyPillow took over and took over all</p> <p>7 the retail stores directly. Telebrands</p> <p>8 controlled a lot of them, including Wal-Mart.</p> <p>9 So the year you're looking at here</p> <p>10 we -- I believe this was the year that</p> <p>11 Telebrands left and we had -- we got Wal-Mart</p> <p>12 for, like, the last quarter and they had them</p> <p>13 for the -- part of Wal-Mart for the first</p> <p>14 three quarters.</p> <p>15 So these are all -- like Zulily.</p> <p>16 Zulily was a shopping channel out in -- that</p> <p>17 I would have to fly there and do hits on,</p> <p>18 just like QVC. It was out in Washington</p> <p>19 State.</p> <p>20 All of these are boxes. It's a</p> <p>21 different kind of -- it's in a box. It's in</p> <p>22 a store. You go in there and there's walls</p> <p>23 of them. QVC is a little different. That's</p> <p>24 direct to the consumer.</p> <p>25 Every one of these listed here we</p>
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<p>1 to 740. And we can start with the first one,</p> <p>2 which is Exhibit 737.</p> <p>3 I believe you testified earlier</p> <p>4 that these are -- these are generated kind of</p> <p>5 automatically through the -- I forget the</p> <p>6 system you said.</p> <p>7 A. It's EDI compliant or E -- I think that's</p> <p>8 what they call it. I'm not even sure if it's</p> <p>9 EDI. It starts with an E. Every -- to do</p> <p>10 business in retailers, they all want you to</p> <p>11 go through -- I think EDI compliant is a</p> <p>12 credit card thing. This is called a --</p> <p>13 there's a name for it. It all has to go</p> <p>14 through this system. If you don't have that,</p> <p>15 you're probably not going to get into these</p> <p>16 retailers. You've got to be -- it's all</p> <p>17 automated now, most of it.</p> <p>18 Q. Okay. And so these summaries, then, do they</p> <p>19 show direct to consumer sales or is it only</p> <p>20 through the retailers?</p> <p>21 A. There's no direct to consumer. This is all</p> <p>22 -- these are all 99.9 percent direct to the</p> <p>23 -- the consumer comes in and buys. Like</p> <p>24 Telebrands, Telebrands was all box stores.</p> <p>25 That was all box stores. That one was --</p>	<p>1 lost except for the top -- I mean, every one</p> <p>2 of them is gone of those top ones there that</p> <p>3 are listed.</p> <p>4 Q. Right. My question was -- I think you</p> <p>5 answered it, but I just want to make sure I</p> <p>6 have it correctly, that these sales by</p> <p>7 customer summaries show the ones that are</p> <p>8 sold in boxes to the customer?</p> <p>9 A. These are wholesale costs that we pay. Bed</p> <p>10 Bath &amp; Beyond, we got from them 12 million.</p> <p>11 We didn't get the full price for the pillow.</p> <p>12 We sell it to them for like \$20 and they sell</p> <p>13 it to the public for 50. You know what I</p> <p>14 mean?</p> <p>15 Q. Right.</p> <p>16 A. These are wholesale numbers that we got.</p> <p>17 These are what MyPillow works off of and</p> <p>18 they're very -- they're very -- these are all</p> <p>19 wholesale prices, not retail, if that's what</p> <p>20 your question is.</p> <p>21 Q. No. So my question is -- I'm probably</p> <p>22 articulating it poorly -- if someone calls a</p> <p>23 call center and orders a product or orders</p> <p>24 online, those wouldn't be reflected in this</p> <p>25 sheet, in this summary?</p>

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<p style="text-align: right;">Page 261</p> <p>1 A. Absolutely not. These are -- no, absolutely 2 not. None of this on here. This is what we 3 lost. This is what we lost when we lost the 4 box stores in January of '21. This is the 5 box stores right here. These -- every one of 6 these is gone. And there was a lot more in 7 '21 than here in 2018. 8 We had -- we had Costco. We were 9 the biggest product at Costco. We were 10 Wal-Mart's biggest selling product of all 11 time. These are things that -- this was a 12 lot bigger going into January of '21, that we 13 had built up all these box stores. We were 14 the number one product in every one of these 15 retail outlets in the country, bar none. 16 Even in -- even in -- what do you 17 call it -- like Home Depot and places like 18 this -- all the small hardware stores in the 19 country, there was 162 of them. I did 20 commercials for every one of them 21 individually, and MyPillow became their 22 number one selling product out of 160 some 23 SKUs in a hardware store. 24 So it's not like these box stores 25 -- they didn't cancel because of slow sales.</p>	<p style="text-align: right;">Page 263</p> <p>1 Q. Okay. So let's say, then, that it's 20 2 million-ish from Wal-Mart in 2018? 3 A. From Wal-Mart. Yeah, I would say Wal-Mart -- 4 Wal-Mart could've been 15, 16 million but -- 5 because I had fourth quarter. Fourth quarter 6 we were bigger in Wal-Mart than the other 7 quarters. 8 Q. So if we go to the next one, then, which is 9 2019, here Wal-Mart is 14 million, right? 10 A. Right. Right. So now you can tell exactly 11 the year before -- when Telebrands had it, 12 what they did when we switched, Wal-Mart took 13 also -- they couldn't get -- there was two 14 parts to Wal-Mart. And so the part -- it was 15 the shelves and then there was the -- what do 16 they call it when you have pallets in the 17 stores? So third quarter -- or fourth 18 quarter is where you have the pallet 19 promotions. If you ever been in a Walmart, 20 there would be pallet promotions. 21 So my guess is of the -- of 20 -- 22 or of 2018 Wal-Mart would have been -- for 23 Telebrands would have been about 9 million 24 because this is for the whole year now. You 25 follow me?</p>
<p style="text-align: right;">Page 262</p> <p>1 They cancelled because I was out personally 2 talking about saving our country and an 3 election and they just attacked MyPillow and 4 cancelled MyPillow, I mean, one after 5 another. It was just decimating. 6 Costco waited four months and -- 7 which was the worst because they cost a 8 hundred some people their jobs. And then the 9 second worst was Wal-Mart, but they waited a 10 year later to do it. 11 Q. Okay. Yeah. So if we look at the -- well, 12 so in this year, I guess, Wal-Mart is 5.5 13 million, right? 14 A. But you've got understand there Telebrands 15 was Wal-Mart. Telebrands -- do you see on 16 the top there? Telebrands was Wal-Mart. So 17 Wal-Mart -- I got rid of Telebrands. They 18 were -- they were like a distributor. So 19 Telebrands, as seen on TV people, I had 20 Wal-Mart for three months. They had Wal-Mart 21 for nine months. You follow that? 22 Q. So the Telebrands amount is attributable -- 23 A. Is attributable to Wal-Mart, which is 24 probably three-fourths of that 22 million. 25 Correct.</p>	<p style="text-align: right;">Page 264</p> <p>1 We took the -- we took the big one. 2 We took the fourth quarter, which is their 3 pallet promotions, which is huge at that 4 time. It's like having -- you're not just on 5 the shelves, but you're also on the pallets. 6 So that would have been -- that 7 would have been -- of -- of Telebrands, they 8 also had -- I'm looking at this. They also 9 had -- I believe they might have had Kohl's 10 was their other one. They had Kohl's. I 11 think they had Kohl's, too. So Telebrands 12 had Kohl's and Wal-Mart. If you combine them 13 two, you're about the same as what Telebrands 14 had the year before. 15 Q. Okay. And then so the next year, the 2020 16 sales by customer, Wal-Mart is down a little 17 bit to 12 million, right? 18 A. Right. And this is because -- this is 19 natural fatigue. When I first came into 20 Wal-Mart, which in 2014 let's say -- no, 21 2012, that's when Telebrands put in in 22 Wal-Mart. That was their -- it went into 23 Wal-Mart and the pillow was priced at 69 -- 24 or was it -- it was 59.98 for a queen-sized 25 pillow. That was the -- and MyPillow became</p>



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<p style="text-align: right;">Page 265</p> <p>1 the number one buy-through at Wal-Mart for a</p> <p>2 \$60 product in history, in the history of</p> <p>3 Wal-Mart.</p> <p>4 And then about a few years later</p> <p>5 that price point got dropped down to 49.95.</p> <p>6 At that point it became the number one \$50</p> <p>7 product at Wal-Mart.</p> <p>8 So but when you got into 2020, it</p> <p>9 was -- it dropped down -- the price -- that's</p> <p>10 when the price dropped down. For your gross</p> <p>11 sales we got less for the pillow at Wal-Mart</p> <p>12 even though they sold the same amount. So we</p> <p>13 had to drop our wholesale price in that year.</p> <p>14 So that's why it was only 12 million. They</p> <p>15 sold the same -- probably more, but we didn't</p> <p>16 get as much as MyPillow -- you follow me --</p> <p>17 because the price point dropped.</p> <p>18 Now, when Wal-Mart dropped us, we</p> <p>19 were ready to go down to the -- I believe it</p> <p>20 was the 39.95 price point.</p> <p>21 So as things fatigue in the retail</p> <p>22 industry, you can do one thing. If you can</p> <p>23 get your -- you can lower the price and</p> <p>24 you're going to sell more, which is what we</p> <p>25 did three times at Wal-Mart.</p>	<p style="text-align: right;">Page 267</p> <p>1 that like in -- they all did it, except for</p> <p>2 the hardware stores, a few of them.</p> <p>3 Q. So if we scroll down, there's still six</p> <p>4 pages' worth of customers on here, right?</p> <p>5 A. It depends in what year. In what year?</p> <p>6 Q. 2021.</p> <p>7 A. Yeah, but you see that these are just --</p> <p>8 stop. Stop scrolling. I'm going to show</p> <p>9 you. They're nothing. These are -- Takota</p> <p>10 [sic] Home Center, Wrigley's [sic] Do It</p> <p>11 Best, Do It Best Building Center.</p> <p>12 These are little ma and pa stores</p> <p>13 that I told you I went and did advertising</p> <p>14 for them myself. These are -- if you talk</p> <p>15 any big one on there, they're all gone.</p> <p>16 The lumber and supply company,</p> <p>17 these are -- these are hardware stores. They</p> <p>18 didn't desert us. They were the hometown,</p> <p>19 and they didn't make these decisions. They</p> <p>20 said, You know what? We're going to keep</p> <p>21 MyPillow. It's our number-one selling</p> <p>22 product and we don't care what their CEO is</p> <p>23 out there doing.</p> <p>24 You know, I don't know why they</p> <p>25 made the decision to stay, but they were the</p>
<p style="text-align: right;">Page 266</p> <p>1 Q. Okay. And then -- so it went -- from that</p> <p>2 price fatigue it went down about 2 million,</p> <p>3 right, because you had to drop the price?</p> <p>4 A. Yep. Yep. Yep.</p> <p>5 Q. And then if we go to the next year, 2021,</p> <p>6 it's about 2 million down again, right?</p> <p>7 Still 10.7 million from Wal-Mart?</p> <p>8 A. Uh-huh. That's correct.</p> <p>9 Q. Okay.</p> <p>10 A. But you see we lost every other retailer.</p> <p>11 Every other retailer was gone. And Wal-Mart</p> <p>12 -- the Wal-Mart store in 2021 realized</p> <p>13 Wal-Mart -- yeah, it dropped and then -- then</p> <p>14 they completely dropped us. When you see the</p> <p>15 2022 one, then they're gone altogether</p> <p>16 because they did not want to go to that next</p> <p>17 price tier, which would have been huge,</p> <p>18 because of me out there. Some of these</p> <p>19 places told me straight out either shut up or</p> <p>20 we're dropping you. You better quit talking</p> <p>21 about the election. And they told me</p> <p>22 straight out. And I'm going, you know what,</p> <p>23 what do I have to do? MyPillow is over here.</p> <p>24 It has nothing to do with what I'm saying</p> <p>25 over here. And that was their choice to do</p>	<p style="text-align: right;">Page 268</p> <p>1 smaller ones and they made the decision to</p> <p>2 stay based on they weren't attacked by bots</p> <p>3 and trolls or -- or they didn't have people</p> <p>4 in the town treat them like crap because Mike</p> <p>5 Lindell is out there talking about elections,</p> <p>6 you know.</p> <p>7 They are the only ones that stayed,</p> <p>8 were the little ma and pa ones. And I had</p> <p>9 personally done each and every one of them a</p> <p>10 favor. I could go right down that list. I</p> <p>11 flew to their thing, did an appearance, did a</p> <p>12 radio ad for them personally to help them in</p> <p>13 their town and -- to get people into their</p> <p>14 town. Hey, we have MyPillow, even though</p> <p>15 we're a hardware store. Out of 160,000 SKUs,</p> <p>16 every one of them, their number-one selling</p> <p>17 product is MyPillow over screwdrivers, paint,</p> <p>18 you name it.</p> <p>19 Q. And so you would -- you would go and you</p> <p>20 would do radio ads or, you know, visit</p> <p>21 personally --</p> <p>22 A. Yep.</p> <p>23 (Simultaneous indiscernible crosstalk.)</p> <p>24 A. Back in the day I did -- I did 162. Here</p> <p>25 would be a radio ad in a town in -- pick a</p>



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<p style="text-align: right;">Page 269</p> <p>1 town USA, Dubuque, Iowa. I would do a read 2 for them. It would say, Come on down to Al's 3 Hardware Store and get the best price of a 4 MyPillow in town and -- you know, the best 5 price in town. They would come -- and then 6 they would come in there looking for the 7 pillows. Some of the hardware stores would 8 put them in the back so they've got to shop 9 around. It was like to get them there. It 10 was -- it was amazing. 11 And I gave them a -- I gave them a 12 good price so they would help the ma and pa 13 hardware stores. And I did it -- I did 162 14 of them, I know, in a very short period of 15 time. And every one of them, every one of 16 them stayed with us because of that personal 17 thing I did with them. And -- and it's 18 helped them flourish. 19 I'll tell you one. If you go up -- 20 if you go up to the top, I want to bring this 21 one up. Go to the top. Keep going up to the 22 top. So I'm going to -- there's one that's 23 on here I want to bring up. Keep going all 24 the way to the top. It's Hamrick's. 25 Do you see Hamrick's Department</p>	<p style="text-align: right;">Page 271</p> <p>1 the point that they cancelled. And they made 2 a decision, a political decision, had nothing 3 to do with MyPillow, but they made that 4 decision. 5 And as you see, even Bed Bath &amp; 6 Beyond went under. We were their number-one 7 selling product of all time. The real 8 public, the real public wanted -- they wanted 9 MyPillow in there. They didn't care what 10 Mike Lindell was out there doing. They 11 wanted MyPillow. 12 These -- that Hamrick that stayed 13 with us, she's doing just fine and she -- and 14 she didn't have people come in her store 15 hating MyPillow because their CEO is out 16 there. She didn't have people political to 17 go get rid of MyPillow, you know. 18 This was all a cancelation and 19 very -- very driven against my MyPillow and 20 just very similar to lawfare, like certain 21 companies that I know of. 22 Q. For that -- for that Hamrick store, 23 Mr. Lindell, did you -- did you do one of 24 those -- was one of those 162 -- 25 A. No, I did not. No, that wasn't one of them,</p>
<p style="text-align: right;">Page 270</p> <p>1 Stores? That lady -- that lady called me up 2 in -- in January of '21 when everyone else 3 was calling me going shut up or we're 4 dropping you and -- and that lady called me 5 up and I said, We're not taking them back. 6 Because she had a pretty big inventory. And 7 I said, You can -- and my VP was in the room. 8 I said, You can throw them in the street. 9 We're not taking them back, because you think 10 what I am out there doing has anything to do 11 with MyPillow. And she -- she said, Okay, 12 I'm going to keep them, because they had such 13 a big inventory. 14 Right to this day, because she's 15 with -- she stayed with us -- and I didn't 16 have that choice over the other ones -- it's 17 their number-one selling product. They're 18 selling great. They're doing just fine. She 19 never dropped it, and she is very happy. 20 And she wasn't attacked by the 21 people or the bots and trolls or this attack 22 job on MyPillow that everyone did out there, 23 these -- whoever these -- social media, these 24 bots and trolls that did an all-out assault 25 on Bed Bath Beyond, Kohl's, all of them, to</p>	<p style="text-align: right;">Page 272</p> <p>1 no. That was a pretty big -- a medium-sized 2 store. 3 As I kept getting calls in January 4 and February of '21 and they're going, You 5 know, we want -- we don't want -- we're going 6 to step aside for now, you know, we can't 7 have you out there talking about this. I 8 go -- I go, What do -- and they are talking 9 to my salesmen at MyPillow. And I would say, 10 You know what? Tell them to talk to me. 11 And I said, You know, what does 12 this have to do with MyPillow? I said, You 13 guys, why would you do that? We're your 14 number-one selling product. And I said, If 15 you make that decision, you're going to hurt 16 yourself and hurt the people. Why would you 17 do that? 18 And Bed Bath &amp; Beyond, you know, 19 they -- I remember talking to their CMO. 20 They did it anyway. 21 And the first one to do this was 22 HEB, and they said straight out quit talking 23 about this election or we're going to cancel 24 you. They said that. That was an email. 25 Quit talking about these things or we're</p>

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<p style="text-align: right;">Page 273</p> <p>1 going to cancel you.</p> <p>2 I'm going, You know what? I'm</p> <p>3 going to say, I can't unsee what I have seen</p> <p>4 and undo what I know. I'm going to do this.</p> <p>5 And did I know it would hurt MyPillow? They</p> <p>6 told me straight out it would. But -- but</p> <p>7 I'm sorry.</p> <p>8 You know, I fought -- just like I</p> <p>9 did when I fought in Minnesota for pull tab</p> <p>10 law changes. It's in my book. I lost</p> <p>11 everything I had, but I changed -- I changed</p> <p>12 things that were wrong. And everything I</p> <p>13 fought for came true in Minnesota with these</p> <p>14 laws.</p> <p>15 And I got calls from around</p> <p>16 Minnesota, the restaurants and bars, saying</p> <p>17 we know you lost everything, but thank you</p> <p>18 for holding your ground because you saved our</p> <p>19 industry.</p> <p>20 Well, that's where I'm at. I'm</p> <p>21 trying to save our election platforms in our</p> <p>22 country, and -- and I'm not changing. I've</p> <p>23 lost everything now because of it. And you</p> <p>24 know what? I've got to live with that, but I</p> <p>25 would do it all again because we wouldn't</p>	<p style="text-align: right;">Page 275</p> <p>1 profits when I'm trying to -- shouting out --</p> <p>2 Q. Just yes or no, Mr. Lindell.</p> <p>3 (Simultaneous indiscernible crosstalk)</p> <p>4 A. No. I would have to look at 2020 again. I'd</p> <p>5 have to see if when you are talking -- gross</p> <p>6 profit is not your take-home profit, just so</p> <p>7 you know that. Gross profit is not your -- I</p> <p>8 would say 20 -- if I look back, I'll bet you</p> <p>9 2014 and '15 had a higher gross profit</p> <p>10 percentage-wise. I would bet for sure it</p> <p>11 did. That's when MyPillow came out. So I'm</p> <p>12 not going to answer to that thing of gross</p> <p>13 profit.</p> <p>14 I would say back then when MyPillow</p> <p>15 was \$69 and we were selling, it exploded. We</p> <p>16 were in Wal-Mart. They were their biggest</p> <p>17 selling product ever. We were -- we had more</p> <p>18 commercials than anyone had ever bought in</p> <p>19 history, ever.</p> <p>20 I would say '14 and '15 is way</p> <p>21 higher gross profit, if you want the truth.</p> <p>22 Q. Well, I don't have those --</p> <p>23 (Simultaneous indiscernible crosstalk)</p> <p>24 A. And 2016. I would bet -- I would bet all of</p> <p>25 those years, '14, '15, '16, and '17, were</p>
<p style="text-align: right;">Page 274</p> <p>1 have anything anyway if we don't have</p> <p>2 elections. So that's where I'm at.</p> <p>3 And these companies literally told</p> <p>4 me as I was doing it, If you stop now, we</p> <p>5 will still stick with you. If you stop now,</p> <p>6 I'll still -- that's why this lawsuit is so</p> <p>7 ludicrous, they're so crazy, because a year</p> <p>8 later you guys sue me.</p> <p>9 And here's the thing: Do you think</p> <p>10 I'm that stupid a marketer as I'm losing</p> <p>11 millions -- hundreds of millions of dollars,</p> <p>12 everything is crumbling that I built from</p> <p>13 ground one as an entrepreneur, the American</p> <p>14 dream, going from a crack addict to where I'm</p> <p>15 at, that I'm that stupid? If you are -- if</p> <p>16 you are getting shot, you might want to move</p> <p>17 out of the way. Well, I didn't do that</p> <p>18 because I have a bigger thing over here than</p> <p>19 over here (indicating).</p> <p>20 Q. Mr. Lindell, I think we --</p> <p>21 (Simultaneous indiscernible crosstalk)</p> <p>22 Q. Mr. Lindell, I think we established earlier</p> <p>23 that 2021 was, in fact, the highest gross</p> <p>24 profit year for MyPillow, correct?</p> <p>25 A. The -- do you think I was looking at gross</p>	<p style="text-align: right;">Page 276</p> <p>1 probably for sure all bigger gross profit by</p> <p>2 far, absolutely.</p> <p>3 Q. But 2018, 2019, and 2020 were lower, correct?</p> <p>4 A. That's when MyPillow fatigued. When MyPillow</p> <p>5 fatigued and we had to come up with other</p> <p>6 products.</p> <p>7 Like I told you, the next one was</p> <p>8 MyMattress Topper, which had a higher gross</p> <p>9 profit because our product cost was a lot</p> <p>10 higher with a mattress topper.</p> <p>11 When you came out with those</p> <p>12 slippers, the slippers, once again, had a big</p> <p>13 profit margin, huge profit margin. The</p> <p>14 slippers were made -- before the shipping</p> <p>15 thing took effect, we were making them for</p> <p>16 like, I don't know, 14 and getting \$70 or</p> <p>17 even upwards of \$89, I think, originally.</p> <p>18 That had like a 15 percent product cost. You</p> <p>19 can't beat that. That's unheard of. We</p> <p>20 didn't have that with MyPillow when I</p> <p>21 invented it.</p> <p>22 So they -- that would be a huge</p> <p>23 gross profit, but, once again, gross profit</p> <p>24 doesn't lead to destruction of a company when</p> <p>25 you lose everything you've got.</p>

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<p>1 You lose -- here's pre-Mike Lindell</p> <p>2 talking about the election. Here's</p> <p>3 afterwards. Let's see. Pre everything is</p> <p>4 beautiful. You kept getting bigger and</p> <p>5 bigger and bigger. We were going to be a</p> <p>6 billion dollar company. After talking about</p> <p>7 elections, we are now sitting where I'm</p> <p>8 sitting here right here today with nothing</p> <p>9 left in the world and I owe \$20 million.</p> <p>10 Personally and with MyPillow, it's gone.</p> <p>11 Everything is gone.</p> <p>12 So how is your day going? That's</p> <p>13 where I sit right now as we speak. As I sit</p> <p>14 here and spend time with you today, I have</p> <p>15 people, one after another, going, Where is</p> <p>16 our money? How can I get money? Mike, I</p> <p>17 need money. Mike, pay us. That's it.</p> <p>18 That's where I'm at. The house I'm sitting</p> <p>19 in I owe \$6 million on to the IRS. That's</p> <p>20 where I'm sitting.</p> <p>21 Q. Mr. Lindell, I want to move on to topic</p> <p>22 number 18, which is MyPillow's publication or</p> <p>23 promotion of the documentaries, the Cyber</p> <p>24 Symposium, and/or FrankSpeech content,</p> <p>25 including related work performed by MyPillow</p>	<p>1 Absolute Proof documentary, the Absolute</p> <p>2 Interference documentary, Absolute 9-0, and</p> <p>3 Scientific Proof.</p> <p>4 A. Okay. Okay. All right.</p> <p>5 Q. So you recall publishing a documentary called</p> <p>6 Absolute Proof, correct?</p> <p>7 A. Yeah, Mike Lindell did. MyPillow would --</p> <p>8 MyPillow didn't even have a clue it was</p> <p>9 getting done at the time. If you're --</p> <p>10 you're really -- now you're going to get into</p> <p>11 a slippery slope.</p> <p>12 Nobody at MyPillow knew anything</p> <p>13 that I was even making a documentary. They</p> <p>14 knew -- I was -- I was completely away from</p> <p>15 MyPillow during these times. So no one at</p> <p>16 MyPillow would have any clue of what was</p> <p>17 going on in my personal life out there.</p> <p>18 So when you're asking me questions,</p> <p>19 we'll have to pause and say, here, this is</p> <p>20 what MyPillow knew or this is what Mike</p> <p>21 Lindell knew. You follow me?</p> <p>22 Q. Yeah. And I want to look at certain things,</p> <p>23 certain documents and we can continue to talk</p> <p>24 about it. So --</p> <p>25 A. Okay.</p>
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<p>1 employees.</p> <p>2 A. Yep.</p> <p>3 Q. You understand that's a topic for today?</p> <p>4 A. What's that?</p> <p>5 Q. And --</p> <p>6 A. I'm sorry?</p> <p>7 Q. I said do you understand that that's one of</p> <p>8 the topics that you've been designated to</p> <p>9 testify to here today?</p> <p>10 A. Okay. Yes.</p> <p>11 Q. And are you knowledgeable of this topic?</p> <p>12 A. Repeat it.</p> <p>13 Q. Are you the person --</p> <p>14 (Simultaneous indiscernible crosstalk)</p> <p>15 Q. -- most knowledgeable --</p> <p>16 A. Cyber Symposium, yes, I'm the most</p> <p>17 knowledgeable. You are talking about Cyber</p> <p>18 Symposium? This isn't MyPillow, though. The</p> <p>19 most -- I would be the most knowledgeable</p> <p>20 person at MyPillow because none of them had</p> <p>21 anything to do with any of this. But, yes,</p> <p>22 so I would be the most knowledgeable because</p> <p>23 I know over here and I know over here. So go</p> <p>24 ahead.</p> <p>25 Q. And also -- I'm also talking about the</p>	<p>1 Q. First of all, I'm going to play a clip for</p> <p>2 you -- or, no, we're going to show you a</p> <p>3 document. We'll put it up on the screen.</p> <p>4 MR. FREY: All right. So this will</p> <p>5 be Exhibit 745.</p> <p>6 (Deposition Exhibit 745 was marked for identification.)</p> <p>7 BY MR. FREY:</p> <p>8 Q. And this is Exhibit 1 to Smartmatic's first</p> <p>9 amended -- or first supplemental complaint in</p> <p>10 this action.</p> <p>11 A. Yeah.</p> <p>12 Q. If you scroll down, you will see this is a</p> <p>13 transcript of the audio recording of Absolute</p> <p>14 Proof.</p> <p>15 A. Okay.</p> <p>16 Q. You see that?</p> <p>17 A. Yep.</p> <p>18 Q. All right. And if you see right at the start</p> <p>19 of this, you say, "Hello, everyone, this is</p> <p>20 Mike Lindell, the CEO of MyPillow." Correct?</p> <p>21 A. Yep. Okay.</p> <p>22 Q. You have identified yourself here in the very</p> <p>23 first statement you make in this documentary</p> <p>24 as the CEO of MyPillow, right?</p> <p>25 A. That's right.</p>

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<p style="text-align: right;">Page 281</p> <p>1 Q. After this documentary was released -- I want 2 to go to what was previously marked as 3 Exhibit 412. You see this is an interview -- 4 or an email, I'm sorry, between Dawn Curtis 5 and Beth Schoeneberg? 6 A. I don't know who -- a talk radio host, yeah. 7 I don't know who Beth is, but anyway. 8 Q. Dawn Curtis is a MyPillow employee, correct? 9 A. That's correct. 10 Q. And is -- you don't know whether Beth 11 Schoeneberg is a MyPillow advertiser? 12 A. I'm sure she is, but I don't -- well, I don't 13 know. It says Beth at talk show radio. 14 Probably not, but it doesn't say -- I don't 15 recognize the name and I don't recognize the 16 radio station. So could be not. I don't 17 know. The short answer is I don't know. 18 I've never recognize -- I don't know that 19 name and I don't know that talk show. 20 Q. So do you see -- at the first email here at 21 the bottom, Ms. Schoeneberg reaches out to 22 Dawn Curtis of MyPillow and says, "I saw an 23 interview with Mike last evening. My husband 24 had it... May I announce Mike's 3-hour video 25 today on my show (regarding the proof of</p>	<p style="text-align: right;">Page 283</p> <p>1 So you can try and say that -- was 2 this a MyPillow thing? No. This was this 3 Beth reaching out as a talk show host asking 4 about this because they seen me. So I get 5 it, yeah. 6 Q. Let's go to what was previously marked as 7 Exhibit 414. Okay? And do you know who Kip 8 Kuroski at Komando.com is? 9 A. No idea. I'm sure these were all podcasters 10 or they wouldn't have Dawn's phone number -- 11 or I mean her email, you know. I'm sure 12 she -- like I say, she deals with all 13 podcasters that want to sell MyPillow, the 14 ones that do sell MyPillow. That's what she 15 does. 16 But I have no idea who Kip Kuroski 17 is. Like I say, we have hundreds of 18 podcasters and radio shows. 19 Q. And so Ms. Curtis here of MyPillow writes, 20 "TV/news stations give this downloadable 21 link: Random people or customers:" And then 22 she provides another one, right? 23 A. I have no idea. I didn't set this part up. 24 Q. I'm sorry? 25 A. I don't know. I didn't set this part up. I</p>
<p style="text-align: right;">Page 282</p> <p>1 election fraud/stolen)? Do I understand the 2 website correctly... mikelindell.com?" 3 Do you see that? 4 A. Yep. 5 Q. If we scroll up, you'll see Ms. Curtis 6 responds by sending a link and said she will 7 send a downloadable one when she has it, 8 right? 9 A. Okay. 10 Q. And then Ms. Schoeneberg says she's watching 11 now. She placed it on Facebook and plans to 12 put it on her website, too. "I have other 13 internet affiliates who might do that too." 14 Do you see that? 15 A. Right. My guess is if they were talking to 16 Dawn, they have a relationship. They could 17 be MyPillow advertisers for a long time. I 18 have no idea. 19 Q. And Ms. Curtis, from her MyPillow email 20 account, is sharing this video, correct? 21 A. Well, you can sit there -- that's the only 22 emails we use. I use my MyPillow email 23 account for everything, as does Dawn, even if 24 she is talking to a personal friend. That I 25 do know.</p>	<p style="text-align: right;">Page 284</p> <p>1 have -- I have no idea what she's doing 2 there. 3 You have a link to Absolute Proof. 4 We put it out everywhere on every platform in 5 the country. YouTube took it down in two 6 hours. 7 I don't -- if Dawn had it -- it 8 looks to me like people or customers got -- 9 you just sent them to MyPillow.com. And I 10 guess if a podcaster wanted the actual movie, 11 then they got this -- then they got the 12 actual film. It looks like that is -- they 13 had access to the film or they could download 14 it. 15 Q. So Dawn Curtis here of MyPillow is sending 16 out to a podcaster the link to this Absolute 17 Proof documentary, correct? 18 A. I don't know if Dawn did this. She probably 19 did it on her own time. I have no idea. 20 We get requests all the time 21 from -- from podcasters, you know. They'll 22 ask -- so I don't -- it looks like that she 23 sent them a -- this person reached out for a 24 link. I don't know if they're an advertiser 25 or not. You would have to ask Dawn.</p>



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<p style="text-align: right;">Page 285</p> <p>1 But as far as using her MyPillow</p> <p>2 email, that's the only email she has in her</p> <p>3 life. Same way that I use my MyPillow email</p> <p>4 for everything, no matter what.</p> <p>5 Everybody uses their emails. We</p> <p>6 don't have a thing at MyPillow. We all have</p> <p>7 one email system. You don't have -- if you</p> <p>8 were going to be -- a friend of mine and</p> <p>9 you're emailing me back and forth, I'm going</p> <p>10 to use my MyPillow email.</p> <p>11 Q. Let's go to Exhibit -- what was previously</p> <p>12 marked as Exhibit 418. Are you familiar with</p> <p>13 the Salem Media Group?</p> <p>14 A. Yes, I'm very familiar with Salem Media</p> <p>15 Group.</p> <p>16 Q. And what is --</p> <p>17 A. They're the ones --</p> <p>18 Q. -- Salem Media Group?</p> <p>19 A. They're ones that you guys -- with lawfare</p> <p>20 when you sued Fox News on February 4th, 2021,</p> <p>21 that was the last time I was ever to go on</p> <p>22 Salem Media, Fox News, or Newsmax and talk</p> <p>23 about MyPillow ever again. You guys cost us</p> <p>24 millions that day.</p> <p>25 That's who Salem Media is. They're</p>	<p style="text-align: right;">Page 287</p> <p>1 Smartmatic, I was told I couldn't go on any</p> <p>2 of the shows on Salem, and not even to</p> <p>3 promote MyPillow. I was done. It cost us</p> <p>4 millions, millions.</p> <p>5 Salem Media was one of our biggest</p> <p>6 outlets. Seb Gorka was a host on -- one of</p> <p>7 the hosts, had his own show on Salem Media.</p> <p>8 So I thought, You know what? You need to</p> <p>9 watch this, Sebastian Gorka. This is what</p> <p>10 I'm up against. I don't care if you guys</p> <p>11 won't let me come on and sell pillows. I</p> <p>12 want you to see this for our country.</p> <p>13 Sebastian Gorka is big into -- he's</p> <p>14 a -- he worked in administration, I believe,</p> <p>15 back in the day, but he was -- this was a</p> <p>16 particular host.</p> <p>17 I was already told by Salem Media I</p> <p>18 couldn't come on to sell MyPillows or any --</p> <p>19 or to be -- like I would go on and talk about</p> <p>20 my company. That ended on the day before</p> <p>21 this was out when you guys sued Fox News.</p> <p>22 That was another -- I forgot about all that</p> <p>23 lost revenue.</p> <p>24 Q. Have you --</p> <p>25 A. I lost -- I forgot about that.</p>
<p style="text-align: right;">Page 286</p> <p>1 the biggest -- the biggest -- one of the big</p> <p>2 media groups. iHeartMedia. I forget the</p> <p>3 other ones. Salem Media and then you have</p> <p>4 Cumulus Media. They are one of -- they are</p> <p>5 one of the national media platforms.</p> <p>6 Q. Do you see here on February 5th it says, "Hi,</p> <p>7 Seb. Mike Lindell has released a documentary</p> <p>8 today about voting fraud. He would like for</p> <p>9 you to watch it." And then she provides the</p> <p>10 link and the downloaded video, correct?</p> <p>11 A. Who did that? Who said --</p> <p>12 (Simultaneous indiscernible crosstalk)</p> <p>13 A. Okay. And that would be correct because</p> <p>14 Dr. -- now I see where it says -- Sebastian</p> <p>15 Gorka is a friend of mine.</p> <p>16 Q. And she is sending around, then, the video to</p> <p>17 the Salem Media Group, correct?</p> <p>18 A. No. I told her and Dr. -- I probably told</p> <p>19 her send it to Sebastian Gorka.</p> <p>20 Salem Media, on February 4th when</p> <p>21 you guys sued Fox News, they ended any</p> <p>22 relationship with me ever to come on their</p> <p>23 show again. So I talked to their executives.</p> <p>24 That day, on February 4th of 2021,</p> <p>25 when you sued Fox News, Salem Media -- or</p>	<p style="text-align: right;">Page 288</p> <p>1 Q. Let's look at another one. We have</p> <p>2 Exhibit 419, and here we have on this same</p> <p>3 day Ms. Curtis sending the documentary on</p> <p>4 election fraud, Absolute Proof, to Caleb</p> <p>5 Svendsen of WWIB.com. Do you see that?</p> <p>6 A. I don't know who that is.</p> <p>7 Q. The next one, Exhibit 420.</p> <p>8 A. It looks to me like a lot of people reached</p> <p>9 out to her because she -- that they knew</p> <p>10 she -- that she worked for me. I don't know</p> <p>11 how many, but a lot of people did, I guess.</p> <p>12 Q. Do you see here Friday, February 5th, 2021,</p> <p>13 18:09:52, Ms. Curtis sends Woody Zimmerman at</p> <p>14 kensington.media the same email with the same</p> <p>15 links?</p> <p>16 A. I don't know who they are. You've got to</p> <p>17 understand Dawn Curtis has dealt with these</p> <p>18 guys for eight years. They are her friends,</p> <p>19 these people. They talk to her all the time</p> <p>20 every day.</p> <p>21 So if they seen this, this -- or</p> <p>22 this movie, who else they going to reach out</p> <p>23 to? They couldn't get a hold of me, so they</p> <p>24 reached out to her. I mean, that's pretty</p> <p>25 simple. That's probably why they're reaching</p>



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<p style="text-align: right;">Page 289</p> <p>1 out.</p> <p>2 Q. Well, do you see a reach-out on this email</p> <p>3 from Woody --</p> <p>4 A. What's that?</p> <p>5 Q. -- to Dawn?</p> <p>6 A. What's that?</p> <p>7 Q. Do you see anyone -- do you see Woody --</p> <p>8 A. I don't know if she -- I don't know if she</p> <p>9 called Dawn. Dawn wouldn't just send out --</p> <p>10 was there a mass email she sent out? I have</p> <p>11 no idea. You'd have to ask Dawn. You guys</p> <p>12 already deposited her. Ask her. I have no</p> <p>13 idea.</p> <p>14 I didn't tell Dawn to do that, to</p> <p>15 reach out to Woody Zimmerman. I don't even</p> <p>16 know Woody Zimmerman. I have no clue who</p> <p>17 Woody Zimmerman is or three of the other ones</p> <p>18 you just mentioned.</p> <p>19 Seb Gorka, that one it says, Mike</p> <p>20 wanted you to see that. I don't have his</p> <p>21 contact for email or whatever or to reach out</p> <p>22 to him back then, but I wanted him to see</p> <p>23 that because I was very upset with Salem</p> <p>24 Media.</p> <p>25 After you guys sued Fox News on</p>	<p style="text-align: right;">Page 291</p> <p>1 minute later Ms. Curtis --</p> <p>2 A. I probably -- who knows? I probably told her</p> <p>3 to send it, you know, send all your contacts</p> <p>4 to the podcast, send them this link. I don't</p> <p>5 know. That's probably what it looks like to</p> <p>6 me.</p> <p>7 What would that have to -- what</p> <p>8 does it have to do with anything? If she had</p> <p>9 their contacts, I'm going, Here, send them</p> <p>10 this link to the video, as it was getting</p> <p>11 cancelled on YouTube and everywhere else.</p> <p>12 Q. So then --</p> <p>13 A. This looks like in the --</p> <p>14 (Simultaneous indiscernible crosstalk.)</p> <p>15 A. What time in the morning is that? 18 -- you</p> <p>16 know --</p> <p>17 Q. That's 6:11 at night, the evening, I believe.</p> <p>18 A. Yeah.</p> <p>19 Q. I don't know what the --</p> <p>20 A. Okay.</p> <p>21 Q. I don't know what the GMT is, though, what</p> <p>22 the time stamp --</p> <p>23 A. Right. So she wasn't -- she certainly wasn't</p> <p>24 working on the pay clock with MyPillow. You</p> <p>25 realize that, right? You realize that she --</p>
<p style="text-align: right;">Page 290</p> <p>1 February 4th, 2021, Salem Media said no more,</p> <p>2 you can't come on even to talk about pillows.</p> <p>3 That's when lawfare started in this country,</p> <p>4 by the way. That's --</p> <p>5 Q. Mr. Lindell --</p> <p>6 (Simultaneous indiscernible crosstalk)</p> <p>7 Q. This Exhibit 420, it's a time stamp of</p> <p>8 18:09:52, correct? Do you see that?</p> <p>9 A. 18:09:52. Okay.</p> <p>10 (Simultaneous indiscernible crosstalk)</p> <p>11 A. Right.</p> <p>12 Q. So let's look at the next one, Exhibit 421.</p> <p>13 Here we have 18:10:27. So less than a minute</p> <p>14 later Ms. Curtis sending the same email with</p> <p>15 the same link, this time --</p> <p>16 A. Okay.</p> <p>17 Q. -- to AnnieDelgado2@icloud.com, correct?</p> <p>18 A. Okay.</p> <p>19 Q. You agree Ms. Curtis, MyPillow marketing</p> <p>20 director, is sending these out serially to --</p> <p>21 A. She's not the --</p> <p>22 Q. -- different advertisers?</p> <p>23 A. She is -- yeah, she sent that. I see that.</p> <p>24 Q. Let's look at the next one, Exhibit 422.</p> <p>25 February 5th, 2021 at 18:11, so about a</p>	<p style="text-align: right;">Page 292</p> <p>1 like clockwork, she only works until 3:00 in</p> <p>2 the afternoon no matter what.</p> <p>3 So she was doing this on her own</p> <p>4 time, probably for me, and she certainly</p> <p>5 wasn't doing it as a MyPillow employee.</p> <p>6 That's her email she uses.</p> <p>7 So if that's what you are trying to</p> <p>8 insinuate, this was done on her own time.</p> <p>9 She didn't get paid by MyPillow to send these</p> <p>10 out. That's a fact.</p> <p>11 So there she is. This is 18.</p> <p>12 That's what I was wondering, what the heck.</p> <p>13 No, this is 6:00 at night. So she is not</p> <p>14 working for MyPillow then. She is doing it</p> <p>15 on her own time. She's only got one email,</p> <p>16 and she probably testified to that already to</p> <p>17 you guys.</p> <p>18 All my employees, their email --</p> <p>19 just like myself, they say, Well, why did you</p> <p>20 use your MyPillow email? It's the only email</p> <p>21 I use, period. I don't have a Gmail or a</p> <p>22 Hotmail or whatever, you know.</p> <p>23 So this is very easy as -- I don't</p> <p>24 know what you are getting at here, but there</p> <p>25 it is. I probably told her, Hey, if you've</p>

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<p style="text-align: right;">Page 293</p> <p>1 got these contacts, send them out if you can</p> <p>2 because YouTube is blocking everything from</p> <p>3 people seeing this movie. That would be my</p> <p>4 guess.</p> <p>5 Q. So -- and these contacts are MyPillow</p> <p>6 advertisers, correct?</p> <p>7 A. I don't know. I don't know if she -- which</p> <p>8 ones they are. I don't know. Dawn would</p> <p>9 have a Rolodex of people because they contact</p> <p>10 her.</p> <p>11 She's got -- we've got -- a lot of</p> <p>12 these could've been not just MyPillow stuff,</p> <p>13 but, you know, if she knew people from other</p> <p>14 people, maybe she got -- maybe she reached</p> <p>15 out and said, Hey, do you have contacts for</p> <p>16 all the -- all the other broadcasters?</p> <p>17 I tried to get it out everywhere.</p> <p>18 I didn't just tell Dawn. I probably told</p> <p>19 everybody, Hey, put this up, share it</p> <p>20 everywhere, share it everywhere. I tried to</p> <p>21 get it shared everywhere. I was getting</p> <p>22 blocked at every corner, you know, blocked,</p> <p>23 blocked, blocked. We should get it out</p> <p>24 there. Facebook -- contains nudity or porn,</p> <p>25 that's what they put over the top of it.</p>	<p style="text-align: right;">Page 295</p> <p>1 employee. That's her MyPillow email, but</p> <p>2 that's all she's got. That's all she uses.</p> <p>3 I didn't tell employees at our call</p> <p>4 center, Hey, you guys, all heads-up alert,</p> <p>5 everybody tell people to watch this movie.</p> <p>6 No. I reached out to other people in the</p> <p>7 country all day long. Hey, can you share</p> <p>8 this, can you share this? I called them</p> <p>9 myself. That's what we did.</p> <p>10 But I was too busy actually</p> <p>11 trying -- it's taken down on this platform,</p> <p>12 on this platform. So I stuck it up on</p> <p>13 Rumble. I did it on this, my own handles on</p> <p>14 social media, which I already lost by then.</p> <p>15 So there is no way to communicate through</p> <p>16 social media. People had to do that</p> <p>17 organically.</p> <p>18 Q. Let's look at Exhibit 427. You see this is</p> <p>19 the exact same email, exact same title, this</p> <p>20 time to Lee at lifechangingradio.com.</p> <p>21 A. Who cares? It's 6:00 at night. She's on her</p> <p>22 own time. MyPillow had nothing to do with</p> <p>23 it. So keep showing them all day long. Dawn</p> <p>24 did this on her own time. She just happened</p> <p>25 to have -- that's the only email she has.</p>
<p style="text-align: right;">Page 294</p> <p>1 I just talked to Alan Duke, the</p> <p>2 Facebook fact-checker. He says he didn't do</p> <p>3 that. He said it was Zuckerberg himself or</p> <p>4 those people.</p> <p>5 But, no, this was -- I tried to get</p> <p>6 it everywhere. I contacted other people, Hey</p> <p>7 send it out to anyone else you know. I did</p> <p>8 it all day long. So, you know --</p> <p>9 Q. So you were --</p> <p>10 (Simultaneous indiscernible crosstalk.)</p> <p>11 Q. So I understand your testimony, you were</p> <p>12 asking the MyPillow employees to share this</p> <p>13 video --</p> <p>14 A. No, not --</p> <p>15 (Simultaneous indiscernible crosstalk.)</p> <p>16 A. I never asked one MyPillow employee. You're</p> <p>17 lying. I didn't say -- I asked -- not one</p> <p>18 MyPillow employee was asked to do this.</p> <p>19 Dawn Curtis was asked if you -- why</p> <p>20 don't you check emails. You think I sent out</p> <p>21 emails, Hey, everybody watch this movie? No,</p> <p>22 I did not. This is to Dawn Curtis on her own</p> <p>23 time. I said, Hey, will you get this movie</p> <p>24 out? Send this -- send this movie out to any</p> <p>25 podcasters. She didn't do it as a MyPillow</p>	<p style="text-align: right;">Page 296</p> <p>1 I'm sorry that she didn't think to take her</p> <p>2 email and send it from an undercover email.</p> <p>3 You know, give me a break.</p> <p>4 What else you got here? Come on.</p> <p>5 Q. Would you disagree, then, with Ms. Curtis's</p> <p>6 testimony in this case, which I'm guessing</p> <p>7 you have not reviewed, correct?</p> <p>8 A. No. I haven't reviewed anything.</p> <p>9 Q. You disagree with her that she sent these out</p> <p>10 per your request?</p> <p>11 A. She probably did send them out per my</p> <p>12 request, but she did it on her own time. I</p> <p>13 wouldn't have her do stuff with MyPillow.</p> <p>14 My son would have a fit. Are you</p> <p>15 kidding? These guys are -- these guys are --</p> <p>16 why don't you talk to my son. He is a</p> <p>17 left -- he is on the left politically. He</p> <p>18 would -- there was no way that he would ever</p> <p>19 mix MyPillow with anything I ever did with</p> <p>20 Donald Trump or with the elections or</p> <p>21 anything, and that's a fact. And anyone will</p> <p>22 tell you that in MyPillow.</p> <p>23 I didn't go to them in the call</p> <p>24 center and say, Hey, do this. You know, you</p> <p>25 guys have got to promote this. No. Any of</p>

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<p style="text-align: right;">Page 297</p> <p>1 our ads were done separately out there. We</p> <p>2 never -- we never could mix politics into the</p> <p>3 ads. We never did anything like that.</p> <p>4 We didn't put MyPillow ads even in</p> <p>5 the Cyber Symposium. Contrary to everybody's</p> <p>6 belief out there, that's not true. RSBN was</p> <p>7 there. They are a MyPillow customer, what</p> <p>8 these guys do.</p> <p>9 Dawn Curtis did this on her own</p> <p>10 time and she -- now, did she have a Rolodex</p> <p>11 of people that she talked to? Absolutely.</p> <p>12 If I ordered her to? Yes, I probably did or</p> <p>13 she probably wouldn't have -- you know, on</p> <p>14 her own time maybe she done it. She did it</p> <p>15 as a favor to me. Here, send it out to all</p> <p>16 the podcasters.</p> <p>17 But she certainly didn't get paid</p> <p>18 for it from MyPillow, because that's a fact.</p> <p>19 She works like clockwork. You can go back in</p> <p>20 time. Every day, 3:00 done.</p> <p>21 Q. Mr. Lindell --</p> <p>22 A. Most people -- and, by the way, most people</p> <p>23 at MyPillow had no clue what I was out there</p> <p>24 doing or what I was doing because I wasn't</p> <p>25 there at that time. I was out all over the</p>	<p style="text-align: right;">Page 299</p> <p>1 10:45 a.m. Central Time to our affiliates</p> <p>2 (that's when we're posting it on social</p> <p>3 media)." Right?</p> <p>4 A. Okay. Okay.</p> <p>5 Q. Okay. And if you scroll up --</p> <p>6 A. By the way, Katelyn does not work for</p> <p>7 MyPillow. She works for Lindell Management,</p> <p>8 and that's a fact. So once again she's using</p> <p>9 a MyPillow email that she used to have a long</p> <p>10 time ago when she worked at MyPillow. She</p> <p>11 works for Lindell Management. She does not</p> <p>12 work for MyPillow, and she did not back then</p> <p>13 either.</p> <p>14 Q. But Dawn Curtis worked for MyPillow, correct?</p> <p>15 A. Dawn Curtis worked for MyPillow.</p> <p>16 Q. And then so you see the next email up at</p> <p>17 15:09, which would be 3:09, Ms. Curtis sends</p> <p>18 out press release to Steve Dubbels at</p> <p>19 iHeartmedia.com, right?</p> <p>20 A. Yep.</p> <p>21 Q. If we scroll down to the press release</p> <p>22 itself, you see it says, "Mike Lindell TV</p> <p>23 releases irrefutable election theft proof on</p> <p>24 new television special that features world</p> <p>25 renowned physicist"?</p>
<p style="text-align: right;">Page 298</p> <p>1 country because of death threats and</p> <p>2 everything else from who knows who saying</p> <p>3 shut up about this election, shut up about</p> <p>4 it, shut up about these machine companies,</p> <p>5 shut up about China. You better do this or</p> <p>6 else. You've got a pretty nice family. This</p> <p>7 is what I had to deal with.</p> <p>8 Q. Mr. Lindell, who is Katelyn Gamlin?</p> <p>9 A. She's my executive assistant right now.</p> <p>10 Q. I want to post here what was previously</p> <p>11 marked as Exhibit 443. You released --</p> <p>12 A. Shy's my executive assistant for Lindell</p> <p>13 Management, not for MyPillow.</p> <p>14 Q. You released Scientific Proof in March of</p> <p>15 2021, correct?</p> <p>16 A. That's correct.</p> <p>17 Q. And you see here this is March 31st, 2021</p> <p>18 from kg@mypillow.com. Is kg@mypillow.com</p> <p>19 Katelyn Gamlin?</p> <p>20 A. Yes.</p> <p>21 Q. And at 9:56 a.m. on Wednesday, March 31st,</p> <p>22 she emails Ms. Curtis of MyPillow, subject</p> <p>23 matter "Press Release," correct?</p> <p>24 A. Yep. I see that.</p> <p>25 Q. And then she said, "This can be sent after</p>	<p style="text-align: right;">Page 300</p> <p>1 A. That's correct.</p> <p>2 Q. And the press release says, on March 31st,</p> <p>3 "Mike Lindell, the CEO of MyPillow, released</p> <p>4 a one-hour television special." Right?</p> <p>5 A. Yep.</p> <p>6 Q. And so this is -- this press release that</p> <p>7 Ms. Curtis is sending out to iHeartMedia at</p> <p>8 the direction of Ms. Gamlin is talking about</p> <p>9 the Scientific Proof documentary that was</p> <p>10 released by Mike Lindell, the CEO of</p> <p>11 MyPillow, right?</p> <p>12 A. Right. Yep.</p> <p>13 Q. I want to ask you about on the third page of</p> <p>14 this exhibit it says, "Scientific Proof is</p> <p>15 the follow-up to the two-hour documovie,</p> <p>16 Absolute Proof, that was released on</p> <p>17 February 5th, 2021 and was seen by 70 million</p> <p>18 people in the first four days of its release</p> <p>19 and over 150 million to date across 42</p> <p>20 countries."</p> <p>21 Do you see that?</p> <p>22 A. Yep.</p> <p>23 Q. And then there is a link to where they can</p> <p>24 watch Scientific Proof, right?</p> <p>25 A. Okay. Yep.</p>

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<p style="text-align: right;">Page 301</p> <p>1 Q. And then at the bottom it says, "All media 2 inquiries" -- 3 MR. FREY: Scroll down -- 4 Q. -- "can be emailed to 5 mediainquiry@mypillow.com." Right? 6 A. Yep. 7 Q. So this press release, being sent out by a 8 MyPillow employee to iHeartMedia, is 9 referencing you as the CEO of MyPillow 10 releasing this documentary and saying that 11 inquiries should come to a MyPillow.com email 12 address, right? 13 A. That's what it looks like. I've -- I've 14 never seen this press release, and I had no 15 idea they were sending them to 16 mediainquiry@mypillow.com. I guess that 17 would have been, you know, the -- I don't 18 even know who reads them. I guess Dawn? Who 19 sent this out? Dawn? Is that what it says? 20 Q. Dawn sent this out to Steve Dubbels at 21 iHeartMedia. 22 A. Okay. Well, then Dawn -- I guess Dawn put 23 that together with -- I don't know who wrote 24 it and I don't know who -- who the media 25 inquiry things would go to.</p>	<p style="text-align: right;">Page 303</p> <p>1 Q. Can you see that this is one of the -- 2 this -- 3 MR. FREY: I guess for the record, 4 this document has Bates stamp DEF034498. 5 BY MR. FREY: 6 Q. You see this is a text message chain between 7 you and Mr. Brannon Howse? 8 A. Uh-huh. Yep. 9 Q. And Brannon Howse was the producer for the 10 documentaries, correct? 11 A. By the way, when you see "boss" up there, 12 that's my assistant, it looks like, the 1770. 13 (Simultaneous indiscernible crosstalk.) 14 A. I was wondering what "boss" meant. That's -- 15 that's my assistant. That's either Katelyn 16 or whoever -- Shannon, maybe, back then. I 17 don't know. That phone is the -- so that 18 phone is an assistant, I believe, because it 19 says, "Boss." That's what I -- "Can you be 20 with me on TV and Mary Fanning Sunday night? 21 Okay. This is when? 22 Q. Okay. So this is -- this is starting 23 January 21, '16, but I want to go down in 24 this. I just wanted to orient you to the 25 document.</p>
<p style="text-align: right;">Page 302</p> <p>1 Q. And the one other thing in general I wanted 2 to ask you about is it says that this 3 Absolute Proof documentary was seen by 4 70 million people in the first four days of 5 its release. Do you know where that number 6 was derived from? 7 A. From Dennis Montgomery. That's what -- he 8 said that many people seen it. 9 Q. Did Mr. Montgomery tell you how he knew that? 10 A. He said he knew it because of his thing that 11 could -- his hammer scorecard technology. 12 Q. And did Mr. Montgomery also provide you with 13 the 150 million to date number? 14 A. That's correct. 15 Q. So I want to go back and ask you about 16 Absolute Proof again. And that aired on OAN 17 Network, correct? 18 A. Yeah. 19 Q. And then you put out another special on OAN 20 with Steve Bannon hosting? 21 A. That's correct. 22 Q. So we're going to put up I think it will be 23 Exhibit 746. 24 (Deposition Exhibit 746 was marked for identification.) 25 BY MR. FREY:</p>	<p style="text-align: right;">Page 304</p> <p>1 A. Okay. 2 Q. So we're going down to page 14 of this 3 document. So the second full text there on 4 that page 14 where Mr. Howse texts on 5 February 9th, 2021 -- 6 A. Uh-huh. 7 Q. -- it says, "We looked at all the reds that 8 are in that DVD and there's so many versions 9 with the shading that we went with China red 10 on the right." 11 Then he says, "I'm also working 12 with Steve Bannon's production guy Dan on 13 making breaks in the documentary for you to 14 broadcast with him." Right? 15 A. Okay. Yeah. 16 Q. So then do you recall doing that broadcast 17 with Mr. Bannon? 18 A. Yeah. 19 Q. And then Mr. Howse sends you some sort of 20 screenshot related to the documentary, right? 21 A. Related to Todd Carter screenshot, I don't 22 know what that would be, but, yeah, go ahead. 23 Q. And then Mr. Howse -- you say, "Yes." And he 24 says, "Great, I'm sending to Todd Carter 25 now." Right?</p>



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<p style="text-align: right;">Page 305</p> <p>1 A. Right.</p> <p>2 Q. Todd Carter is MyPillow's chief technology</p> <p>3 officer, correct?</p> <p>4 A. Back then he wasn't. Back then -- I don't</p> <p>5 think he was back then. Back then this is</p> <p>6 what he was working for, Lindell Management,</p> <p>7 and this is -- so Lindell Management, he</p> <p>8 would have been -- the stuff he was doing for</p> <p>9 me for that was paid by -- was paid by me and</p> <p>10 Lindell Management, not MyPillow. He was not</p> <p>11 a MyPillow employee on this right here,</p> <p>12 absolutely a hundred percent not.</p> <p>13 Q. So your testimony is that Todd Carter was not</p> <p>14 a MyPillow employee in 2021?</p> <p>15 A. I believe he was a Lindell Management</p> <p>16 employee. So that -- he divided his wage out</p> <p>17 in between all of them, just like I testified</p> <p>18 earlier.</p> <p>19 Q. So he worked for both entities?</p> <p>20 A. No. He worked for Lindell Management, and</p> <p>21 the work he did for each individual entity he</p> <p>22 got billed for. He got billed for it. So</p> <p>23 like if he worked for MyPillow, we would bill</p> <p>24 MyPillow for those hours. If he billed [sic]</p> <p>25 for FrankSpeech, he got billed for</p>	<p style="text-align: right;">Page 307</p> <p>1 MR. FREY: For Julie's reference,</p> <p>2 let's mark what's tab 9.</p> <p>3 THE WITNESS: Just so it's on the</p> <p>4 record, I need another break at 4:45 Central.</p> <p>5 MR. FREY: All right. And for the</p> <p>6 record, this Exhibit 747 is Exhibit 16 to</p> <p>7 Smartmatic's first supplemental complaint in</p> <p>8 this action and it's a transcript of the</p> <p>9 audio recording of the Pete Santilli show on</p> <p>10 February 24th, 2021.</p> <p>11 (Deposition Exhibit 747 was marked for identification.)</p> <p>12 BY MR. FREY:</p> <p>13 Q. Do you recall appearing on the Pete Santilli</p> <p>14 show to promote the Absolute Proof</p> <p>15 documentary?</p> <p>16 A. No idea. I don't recall because I went on</p> <p>17 everything I could go on.</p> <p>18 Q. You went to many different locations to --</p> <p>19 A. I would go -- I would go on anything to get</p> <p>20 the word out. Are you kidding me? I think</p> <p>21 I've done that for three and a half years.</p> <p>22 When have I stopped? I mean, that's a crazy</p> <p>23 question. Of course I would. Anybody that</p> <p>24 would let me go on, because I certainly</p> <p>25 couldn't go on Salem Media and Fox News or</p>
<p style="text-align: right;">Page 306</p> <p>1 FrankSpeech.</p> <p>2 What's the date on this? He was</p> <p>3 probably already working -- he was working</p> <p>4 for me at this time at Lindell Management.</p> <p>5 One thousand percent he was not a MyPillow</p> <p>6 employee paid by MyPillow to work on this.</p> <p>7 This back-ended stuff he was doing</p> <p>8 was all Lindell Management, Lindell</p> <p>9 Management or FrankSpeech depending on when</p> <p>10 FrankSpeech was formed here. I think we're</p> <p>11 still prior to FrankSpeech. This was 2-9 --</p> <p>12 2-9. Yeah, this was -- he was working for</p> <p>13 Lindell Management right there, which means I</p> <p>14 had to --</p> <p>15 (Simultaneous indiscernible crosstalk)</p> <p>16 A. -- pay him. I was -- which means Mike</p> <p>17 Lindell was paying him.</p> <p>18 Q. So Mr. Carter was not receiving a salary from</p> <p>19 MyPillow at this time?</p> <p>20 A. That's correct. He was -- yeah, that's one</p> <p>21 hundred percent correct. He was receiving it</p> <p>22 from Lindell Management, myself, Mike</p> <p>23 Lindell. Good one, though. Good try. What</p> <p>24 else you got?</p> <p>25 Q. Let's go down to --</p>	<p style="text-align: right;">Page 308</p> <p>1 Newsmax after you guys sued -- Smartmatic</p> <p>2 sued Fox News on February 4, 2021. That ship</p> <p>3 sailed. So anybody would have me, I would go</p> <p>4 on.</p> <p>5 Q. And if you look at this full transcript here,</p> <p>6 and we can go to -- we can take our time</p> <p>7 through it if you want, but at the end of the</p> <p>8 transcript --</p> <p>9 A. Yeah.</p> <p>10 Q. -- your interview with Mr. Santilli ends,</p> <p>11 right? And you say, "Well, thank you and my</p> <p>12 employees thank you all and God bless you."</p> <p>13 Right?</p> <p>14 A. Right. Absolutely. We were being attacked</p> <p>15 by everything in the country, including you</p> <p>16 guys or your -- people you represent. So</p> <p>17 everybody attacking MyPillow to destroy</p> <p>18 MyPillow, and by then -- I guess it wasn't</p> <p>19 you. You waited a whole year to do it.</p> <p>20 But Dominion came after MyPillow</p> <p>21 instead of Mike Lindell, and when that</p> <p>22 happened, these comments here had nothing to</p> <p>23 do with Smartmatic. It has to do with the</p> <p>24 attack on MyPillow and I'm saying, Hey, my</p> <p>25 employees appreciate you guys supporting us,</p>

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<p style="text-align: right;">Page 309</p> <p>1 because we were losing every box store in the 2 country. 3 My whole thing shifted when I -- I 4 couldn't go on -- like I say, Newsmax, Fox 5 News, Salem Media, and a lot of places 6 wouldn't have me on because they -- they were 7 afraid of you suing them, too, because -- 8 even for me being on there. 9 But I'm going on there -- like 10 going on this Pete Santilli show, he's 11 selling product. And I'm going, Yeah, thank 12 you for supporting us because we're getting 13 killed, we're getting crushed. My employees 14 and I thank you for selling our product. God 15 bless you. It's a beautiful thing, right? 16 I have been doing that for three 17 and a half years. Thank you for -- I do it 18 every day. Every single day of my life I go 19 on there. My employees thank you for all 20 your support right now. We've lost our box 21 stores. We lost our shopping channels. 22 We've lost everything. Thank you for the 23 people buying our product that are supporting 24 us. 25 I don't know what else you want me</p>	<p style="text-align: right;">Page 311</p> <p>1 ballots hand counted. 2 I got cancelled this last year, 3 just this year. Why? Because I want to go 4 to paper ballots hand counted. Nothing about 5 the 2020 election. We're talking about paper 6 ballots hand counted. Get rid of these 7 electronic voting machines permanently that 8 132 other countries have banned. 9 And tell the world about cast vote 10 records in LA County, how it shows a hundred 11 percent that there was machine manipulation 12 in LA County. Oh, who has LA County? I get 13 it, Smartmatic. 14 Go ahead. Keep going. 15 Q. So, Mr. Lindell, you agree that you're going 16 on the air to talk about election fraud, 17 right, on the Pete Santilli show? 18 A. No. I'm going -- he's having me on his show, 19 that's correct. 20 But you also have another thing 21 going on. These people would have me on any 22 time, whether I was talking about addiction 23 in our country, whatever. 24 Nothing -- the only thing that 25 changed that people would have me on for was</p>
<p style="text-align: right;">Page 310</p> <p>1 to say there, but -- what's next? 2 Q. This interview -- this interview was about 3 your publication of Absolute Proof, right, 4 and your claims of election fraud? 5 A. I have no idea what -- I have no idea what 6 the interview was about. I have no idea. 7 You've got the transcript here. I'm thanking 8 you -- my employees and I thank you for 9 support of buying my pillows. 10 Pete Santilli gets a revenue share 11 for selling MyPillows. That's pretty simple. 12 Of course he's going to have -- gee, you're 13 going to have Mike Lindell on and I'm going 14 to talk about why we're getting cancelled. 15 If you remember, when Newsmax 16 ripped their microphone off because 17 MyPillow's Twitter account got cancelled, but 18 they wouldn't say why it got cancelled. 19 That's the whole thing, what this 20 is all about. I could go on any other time 21 and say, Mike, they're cancelling you. You 22 just lost all your companies. How do you 23 feel? Well, you know what? Our country was 24 attacked and everyone is upset that I want to 25 talk about this election and talk about paper</p>	<p style="text-align: right;">Page 312</p> <p>1 they started having me on to talk about our 2 election platforms, to talk about our 3 election. They would have me on that. 4 They were still -- the consistent, 5 they always sold MyPillow. They always sold 6 MyPillow. Someone didn't have me on that 7 didn't sell MyPillow, you know. 8 They would have me on. They would 9 have me on. This was the topic of the day. 10 Instead of me telling people to help people 11 all over the country giving pillows and 12 helping people, spending millions on homeless 13 people and helping them and bringing them on 14 the show and say, Hey, by the way, you know, 15 Mike has got MyPillow. He also is an 16 advertiser on this show. That went on for 17 years. 18 The only thing that changed was the 19 topic of these machine companies, which is 20 Dominion, ES&amp;S, and Smartmatic, you know. 21 There's ES&amp;S and Smartmatic, you know. 22 I'm not -- I'm not after any one 23 machine company. They all got to go. We've 24 got to get to paper ballots hand counted. So 25 you guys don't have to feel bad that I'm just</p>

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<p style="text-align: right;">Page 313</p> <p>1 picking on you guys. I'm not picking on 2 anybody. 3 This is real and we have to save 4 our country, and you guys -- 5 Q. Mr. Lindell -- 6 (Simultaneous indiscernible crosstalk.) 7 A. Your jobs depend how this ends. Your guys' 8 own jobs depends how this ends. We ain't 9 gonna have a country if we don't have 10 elections. 11 Q. So now you are on the show and you say, "If 12 these machines are not gone, if they're not 13 gone, the world is done. Okay." 14 A. That's right. 15 Q. "USA is done when you said" -- 16 A. I just got done explaining it to you again. 17 Q. "USA is done when you said it earlier, that 18 Smartmatic started machines in Venezuela 19 around 2001, 2002. When they -- when they 20 brought them in there, they invented them and 21 brought them in there and took that country 22 down in two years. It was brought into the 23 US. They split with Dominion, ES&amp;S, and 24 Smartmatic. It's all -- all their built for 25 is to steal elections." Right?</p>	<p style="text-align: right;">Page 315</p> <p>1 podcast. That's just like it would be on Fox 2 News. 3 But Fox News and Newsmax and Salem 4 Media you guys scared because you sued 5 everybody so they wouldn't let me run ads. 6 They wouldn't let me be on their show to talk 7 about why I'm getting cancelled. That's the 8 only difference. 9 Pete Santilli didn't care. He let 10 me come on there and talk about how to save 11 our country, but he still ran the same 12 MyPillow ad he's always ran since day one. 13 That part didn't change, you know. 14 The only thing that changed is you 15 guys went after MyPillow, who had nothing to 16 do with this, and attacked them. It's very 17 simple. And you destroyed the company. Now 18 there is nothing left of MyPillow. Boy, that 19 was great marketing, wasn't it? 20 No, I didn't try and market it. I 21 wanted to save our country, which I'm doing 22 right now, which you're all -- you're on the 23 wrong side, you guys. 24 You guys really -- you know, I 25 believe God is going to protect our country,</p>
<p style="text-align: right;">Page 314</p> <p>1 A. Yep. 2 Q. That's the message that you're sharing on the 3 Pete Santilli show on February 24th, 2021 -- 4 A. Right. 5 Q. -- correct? 6 A. Yeah, absolutely correct. 7 Q. And then if we look at this transcript, at 8 the end of your interview, where you see 9 "Mike Lindell" at the bottom, this begins an 10 ad for MyPillow, correct? 11 A. Yep. 12 Q. "Hello, I'm Mike Lindell, and as you know, my 13 passion is to help each and every one of you 14 get the best sleep of your life." 15 A. Right. 16 Q. So now after you are talking about Smartmatic 17 being created to steal elections and coming 18 into this country to rig every election, 19 we're running a MyPillow advertisement, 20 right? 21 A. This is an ad he runs in his show every day. 22 That's -- I didn't -- this is an actual 23 MyPillow ad. I started using the world's 24 best cotton. I didn't read this during his 25 show. It's a MyPillow commercial on his</p>	<p style="text-align: right;">Page 316</p> <p>1 get rid of the machines, get us to paper 2 ballots, and you guys will still have jobs. 3 You'll probably be working for somebody else, 4 but, you know, a lawyer is a lawyer. You can 5 find them, you know. 6 I'm just saying that's where I'm 7 at, and I'm not changing. I'm not going to 8 sit here and say, Well, you know what? Back 9 then I thought this, but I changed my mind 10 now. No, I didn't change my mind, even 11 though that you guys destroyed MyPillow and 12 that everything out there that got cancelled 13 and destroyed. 14 How I sit right now, would I change 15 anything? Absolutely not. I wouldn't change 16 a thing knowing what I know. You can't 17 change what I've seen and know what I know. 18 You can't sit here right now and 19 tell me -- the cast vote records that come 20 right out of the machines in LA County have 21 shown a hundred percent they had machine 22 manipulation and that China intruded into 23 that, specifically into LA County. 24 So, you know, I'm not -- you think 25 I'm going to stop talking about it? No, I'm</p>

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<p>1 not. Absolutely not. No matter what</p> <p>2 happens, I'm never going to stop talking</p> <p>3 until we get to paper ballots hand counted,</p> <p>4 period.</p> <p>5 Q. Mr. Lindell, just a quick side note since you</p> <p>6 said that. What evidence have you seen to</p> <p>7 support the statement you just made?</p> <p>8 MR. KACHOUROFF: I'm going to</p> <p>9 object --</p> <p>10 (Simultaneous indiscernible crosstalk)</p> <p>11 MR. KACHOUROFF: Hold on, Mike.</p> <p>12 Are you asking in his capacity as a 30(b)(6)</p> <p>13 designee or are you asking him in his</p> <p>14 individual capacity?</p> <p>15 MR. FREY: Well, he is testifying</p> <p>16 here as a 30(b)(6) designee --</p> <p>17 (Simultaneous indiscernible crosstalk)</p> <p>18 MR. FREY: -- as a designee.</p> <p>19 THE WITNESS: I don't know what</p> <p>20 that means. MyPillow would have -- MyPillow</p> <p>21 has nothing to do with this. If you are</p> <p>22 asking me personally, I'll tell you right</p> <p>23 now. I'll give you a two-minute --</p> <p>24 MR. KACHOUROFF: He is not asking</p> <p>25 you personally. He is asking you as a</p>	<p>1 evangelizing on there, talk about God all the</p> <p>2 time when I did a full surrender in Jesus</p> <p>3 Christ. Yep.</p> <p>4 MR. FREY: So this Exhibit 748 was</p> <p>5 Exhibit 20 to Smartmatic's first supplemental</p> <p>6 complaint.</p> <p>7 (Deposition Exhibit 748 was marked for identification.)</p> <p>8 BY MR. FREY:</p> <p>9 Q. And you will see here --</p> <p>10 MR. FREY: If we could scroll down.</p> <p>11 Q. -- that this is a --</p> <p>12 MR. FREY: Go back up.</p> <p>13 BY MR. FREY:</p> <p>14 Q. This is a transcript of the Eric Metaxas</p> <p>15 radio show on March 30th, 2021, correct?</p> <p>16 A. Yep. Got it.</p> <p>17 Q. And going to the first page here, he says --</p> <p>18 Mr. Metaxas says, "Hey, folks, welcome back.</p> <p>19 I have our friend Mike Lindell of</p> <p>20 MyPillow.com fame, of MyStore.com fame. Here</p> <p>21 he is. Mike, you look like you're in an</p> <p>22 airport closet."</p> <p>23 Do you see that?</p> <p>24 A. Yep.</p> <p>25 Q. And so he is identifying you as the</p>
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<p>1 designee, Mike.</p> <p>2 THE WITNESS: Okay. Well, then --</p> <p>3 then MyPillow has nothing, if you are asking</p> <p>4 what that company has. Absolutely nothing.</p> <p>5 MyPillow has nothing. They know nothing.</p> <p>6 They are about as in the dark as you could</p> <p>7 ever be, including the person that sent the</p> <p>8 email, Dawn Curtis, like a robot. Hey, would</p> <p>9 you send this to our thing? She had no clue.</p> <p>10 You could ask her anything about that. I</p> <p>11 don't control any one --</p> <p>12 MR. KACHOUROFF: Mike, you answered</p> <p>13 the question.</p> <p>14 THE WITNESS: -- of my employees --</p> <p>15 MR. KACHOUROFF: Mike, you answered</p> <p>16 the question. You answered the question.</p> <p>17 THE WITNESS: Yeah. Right. Well,</p> <p>18 it's disturbing, you know.</p> <p>19 BY MR. FREY:</p> <p>20 Q. And as you're appearing on the Pete Santilli</p> <p>21 show -- I want to look at another show you</p> <p>22 appeared on. This is the Eric Metaxas show.</p> <p>23 You appeared on that show before, correct?</p> <p>24 A. Yeah, many times about Jesus. That one goes</p> <p>25 way back because I would do -- I would do</p>	<p>1 MyPillow.com guy, right?</p> <p>2 A. Everyone in the world knew me as that. I was</p> <p>3 seen on TV over 10 million times before your</p> <p>4 little election thing. I mean, give me a</p> <p>5 break. Everybody knew me as the MyPillow</p> <p>6 guy. You can look that up. Everybody knows</p> <p>7 that.</p> <p>8 Q. All right. So Mike Lindell --</p> <p>9 (Simultaneous indiscernible crosstalk.)</p> <p>10 Q. -- is synonymous with MyPillow, then, in the</p> <p>11 public parlance, right?</p> <p>12 A. No, it's not synonymous, not anymore. It</p> <p>13 was, but now it's synonymous with MyPillow --</p> <p>14 Mike Lindell is getting destroyed because he</p> <p>15 talks and he's the -- and MyPillow has got</p> <p>16 destroyed because of it.</p> <p>17 When I go out now -- even back</p> <p>18 then, there was a lot of people that would</p> <p>19 see me for different things. When I go</p> <p>20 around this country, Mike, I heard your</p> <p>21 story, your testimony for Jesus. I said -- I</p> <p>22 read your book. It's all about -- it's all</p> <p>23 about Jesus and as your personal Lord and</p> <p>24 Savior. I'm getting saved. That's what I</p> <p>25 was -- a whole group over here. Then you've</p>



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<p style="text-align: right;">Page 321</p> <p>1 got the MyPillow, the generation that grew up 2 with the MyPillow jingle, you know. 3 They -- so you can -- and he put 4 MyStore. These are for entrepreneurs. You 5 know, there's another platform. The fame of 6 MyStore. I went -- to fight Amazon I went 7 and started MyStore. Thousands of 8 entrepreneurs that have no other platform, a 9 safe platform, and hundred -- thousands of 10 USA-made products. 11 I don't know what your tying in 12 there. Are you going to sue MyStore too? Is 13 that what this is all about? Keep going. I 14 can't help what the host says. 15 Q. Up here -- so let's go to the next -- the 16 bottom of the page 2 here, and you say -- you 17 say, "Well, right now we just finished. 18 There's three things. They're all equally 19 important. First one is we're coming out 20 with a documentary at noon on Wednesday. 21 It's -- it's a one hour of a news cyber guy 22 news. Actually, he is a scientist and he was 23 so good in my new show Absolute Interference, 24 that we made a separate one of him coming out 25 at noon on Wednesday." Right?</p>	<p style="text-align: right;">Page 323</p> <p>1 when I'm on his show. You can go back. I 2 can show you -- every single Metaxas show or 3 show, this is what they do. They promote 4 their code and they -- because he is on a rev 5 share, they promote their code. 6 The topic could be -- like I just 7 did one the other day and it was all about me 8 being saved. I did three events this week. 9 Two of them were completely about my story 10 going from a crack addict to where I'm at as 11 a CEO of a big -- of MyPillow. That was -- 12 that testimonial. That's all Eric is doing 13 here. Hey, buy -- you know, he had me on for 14 one thing. He had me on for this, you know. 15 It will be just like daily when I 16 go on shows right now. I'll go on Steve 17 Bannon. If you guys watch that, I will go on 18 the War Room. They might have me to talk 19 about new evidence like just came out, stuff 20 that -- like Georgia where they hacked into a 21 machine with a ballpoint pen right in her 22 courtroom and flipped it and she is still 23 sitting pending in court or the other day 24 when Smartmatic's president got in trouble in 25 the Philippines for bribery. I went on</p>
<p style="text-align: right;">Page 322</p> <p>1 A. That's correct. Yep. Yep. 2 Q. And Mr. Metaxas says, "Wait, wait, wait. 3 Tomorrow. Wednesday tomorrow?" And then he 4 asks where they can see it, right? 5 A. Yep. 6 Q. And you say, "Tomorrow. LindellTV.com. 7 LindellTV.com. And we're going to share with 8 everyone in the world up the links and 9 they -- it's amazing because every -- even in 10 your own towns you can now check out and see 11 what really happened in your election. It's 12 a beautiful thing. We can see what the 13 machines did." Right? 14 A. That's correct. 15 Q. And then "LindellTV.com. Now, do people need 16 to use the code Eric to get a big discount? 17 Well, you know, they could use that at 18 MyPillow.com." Correct? 19 A. Um-hmm. 20 Q. So you're tying a promotion code here to get 21 a big discount on -- 22 A. I'm not -- 23 (Simultaneous indiscernible crosstalk) 24 A. I'm not doing anything. This is the same 25 host doing what he has done for ten years</p>	<p style="text-align: right;">Page 324</p> <p>1 Bannon's to talk about that, but I still did 2 my very normal read about MyPillow. One had 3 nothing to do with the other. 4 This one is all the time because -- 5 MyPillow's ads and this one over here is 6 news. And that was big news that day, when 7 Smartmatic's president got indicted for 8 bribery in the Philippines. I knew about 9 that because I have done my due diligence on 10 Smartmatic. I know how bad they can be. 11 Q. But on this day, on the Eric Metaxas show in 12 March of 2021, you're going on the show to 13 talk about alleged election fraud and 14 Smartmatic? 15 A. Yep. 16 Q. And you're also present while Mr. Metaxas is 17 promoting a code to buy MyPillow products, 18 right? 19 A. He does that every show -- every show he has 20 whether I'm on or not. Every show he has. I 21 don't see where one is relevant to another. 22 Every show Eric Metaxas does, whether Mike 23 Lindell is on or not -- think of me as two 24 separate things. There's Mike Lindell the 25 CEO of MyPillow represent -- holding MyPillow</p>

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<p style="text-align: right;">Page 325</p> <p>1 and there is Mike Lindell that's out there</p> <p>2 trying to save a country talking individually</p> <p>3 about -- about these machine companies and</p> <p>4 going to paper ballots.</p> <p>5 Now, I want to tell you, there's a</p> <p>6 perfect example. So here's Salem Media,</p> <p>7 Newsmax, and Fox. I can never go on there to</p> <p>8 talk about MyPillow ever again, ever again</p> <p>9 because of you guys with lawfare. They're</p> <p>10 afraid that if I do, people are going to go,</p> <p>11 Well, there is Mike Lindell. He is going to</p> <p>12 say something about our elections and -- so,</p> <p>13 I mean, it works both ways there.</p> <p>14 But Eric Metaxas advertises</p> <p>15 MyPillow every single day. It doesn't matter</p> <p>16 if they are talking about cows in a pasture</p> <p>17 or -- or Mike Lindell coming on talking about</p> <p>18 corrupt companies. Okay?</p> <p>19 Q. All right. Mr. Lindell, I'm going to switch</p> <p>20 to a new topic, and I know you need a break</p> <p>21 in eight minutes, so let's --</p> <p>22 A. I need -- I need -- yep, eight minutes. Yep.</p> <p>23 MR. FREY: So I'm going to say so</p> <p>24 let's just go off the record now.</p> <p>25 THE WITNESS: Okay.</p>	<p style="text-align: right;">Page 327</p> <p>1 Q. You see here this is a transcript of</p> <p>2 Mr. Carter's deposition?</p> <p>3 A. Okay. Yep.</p> <p>4 Q. Okay. So if we go down to page 22 --</p> <p>5 A. Yep.</p> <p>6 Q. -- of Mr. Carter's deposition, you see -- so</p> <p>7 Mr. Carter is being asked about Ms. Cronin,</p> <p>8 right?</p> <p>9 "Question: Do you see Ms. Cronin is</p> <p>10 identified as a chief of staff for Lindell</p> <p>11 Management?</p> <p>12 "Answer: Yes.</p> <p>13 "Question: Does that refresh your</p> <p>14 recollection that in January of 2021</p> <p>15 Ms. Cronin was the chief of staff for Lindell</p> <p>16 Management?</p> <p>17 "Answer: According to this, she is,</p> <p>18 yes."</p> <p>19 Do you see that?</p> <p>20 A. Okay.</p> <p>21 Q. And then:</p> <p>22 "Question: So at the bottom of first</p> <p>23 page, moving to the second page, there is an</p> <p>24 email from Ms. Cronin to you dated January</p> <p>25 25th, 2021 at 11:45 a.m. Do you see that?</p>
<p style="text-align: right;">Page 326</p> <p>1 THE VIDEOGRAPHER: We're going off</p> <p>2 the record at 4:37 p.m.</p> <p>3 (A brief recess was taken.)</p> <p>4 THE VIDEOGRAPHER: We are back on</p> <p>5 the record at 5:00 p.m.</p> <p>6 BY MR. FREY:</p> <p>7 Q. Okay. Mr. Lindell, we're back from the</p> <p>8 break. I wanted to clear up a couple of</p> <p>9 things that you testified to during the last</p> <p>10 session.</p> <p>11 The first is related to the</p> <p>12 employment of Mr. Todd Carter. Do you</p> <p>13 remember testifying that Mr. Carter was not a</p> <p>14 MyPillow employee in 2021?</p> <p>15 A. I believe that he was a Lindell Management</p> <p>16 employee.</p> <p>17 Q. Are you aware that Mr. Carter has been</p> <p>18 deposed previously in this case?</p> <p>19 A. I wasn't aware of that.</p> <p>20 MR. FREY: So I'm going to mark for</p> <p>21 the record as Exhibit 749 Mr. Carter's</p> <p>22 deposition transcript.</p> <p>23 Julie, what number are we on?</p> <p>24 (Deposition Exhibit 749 was marked for identification.)</p> <p>25 BY MR. FREY:</p>	<p style="text-align: right;">Page 328</p> <p>1 "Answer: I do."</p> <p>2 A. Yep.</p> <p>3 Q. "Question: Okay. And if you turn to the</p> <p>4 next page, Ms. Cronin wrote to you, 'Todd,</p> <p>5 Mike has decided to do some shifting around</p> <p>6 and has decided it makes more sense for you</p> <p>7 to be a MyPillow employee than a Lindell</p> <p>8 Management employee.' Do you see that?</p> <p>9 "Answer: Yes.</p> <p>10 A. Yep.</p> <p>11 Q. "Question: Okay. You understood when</p> <p>12 you received this email that the reference to</p> <p>13 'Mike' is a reference to Mike Lindell?"</p> <p>14 MR. FREY: Scroll up.</p> <p>15 A. Yeah, yeah, yeah. I got all that.</p> <p>16 Q. "Answer: Yes, sir.</p> <p>17 "Question: Prior to January 25th, 2021,</p> <p>18 did you ask Mr. Lindell to transfer you from</p> <p>19 Lindell Management to MyPillow?</p> <p>20 "Answer: No.</p> <p>21 "Prior to January 25th, 2021, did</p> <p>22 Mr. Lindell discuss with you whether you</p> <p>23 should be a MyPillow employee rather than a</p> <p>24 Lindell Management employee?</p> <p>25 "Answer: No, he did not.</p>

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<p style="text-align: right;">Page 329</p> <p>1 "Question: Have you ever discussed with 2 Mr. Lindell whether you should be a MyPillow 3 employee rather than a Lindell Management 4 employee? 5 "Answer: No." 6 A. Who is answering this? Todd Carter? 7 Q. This is Todd Carter, correct. 8 A. Okay. All right. 9 Q. Then if we scroll down. 10 "Question: You've been employed by 11 MyPillow since February of 2021, correct? 12 "Answer: Yes. 13 "Question: Have you been employed by any 14 other company since February of 2021?" 15 And then there is an objection and then 16 "Answer: No." 17 Do you see that? 18 A. Yeah. 19 Q. "Question: Have you been paid by any 20 company other than MyPillow since February of 21 2021 for your professional services? 22 Answer: No." 23 Correct? 24 A. Yeah, I see that testimonial. 25 Q. So is it your -- does it still remain your</p>	<p style="text-align: right;">Page 331</p> <p>1 I might have told him then that, 2 Hey, we're going to be switching you and 3 making these changes. I would have to check 4 on that to give you an answer, the exact time 5 in 2021 that he switched. 6 Q. And you didn't -- you didn't look into 7 Mr. Carter's employment history in 8 preparation for today's deposition, right? 9 A. No. I had to just -- I know that I switched 10 him back to a MyPillow employee the same 11 time that -- the reason was because of 12 MyStore going standalone and paying directly 13 to -- to MyPillow for their services. So -- 14 but I really believe it was later in '21. 15 And you guys don't have either -- 16 Todd is probably making a recollection that 17 it was February, and I don't know what time 18 it was. If it was in February, what time 19 that would be. Does he say in his deposition 20 what -- when the exact day the change was 21 made? 22 Q. He says February 2020 -- or 2021, excuse me. 23 And if you saw there, he was referencing an 24 email from Ms. Cronin to him January 21st, 25 2021, indicating that he would be shifted</p>
<p style="text-align: right;">Page 330</p> <p>1 opinion that Mr. Carter was not a MyPillow 2 employee as of February of 2021? 3 A. I didn't -- I didn't know the exact time that 4 we switched him to MyPillow because he was 5 doing more work for MyPillow. 6 And the discussion that was made 7 with the -- my son, the board, the -- the 8 accounting, and the internal lawyer, I 9 believe it happened later than February of 10 '21. But if he's right -- I don't know if -- 11 I would like to double-check that. 12 He was an employee of Lindell 13 Management up until whenever I switched him, 14 but after I conferred with -- that's about 15 the same time we made a new deal where these 16 people -- these places would be billed 17 individually, like MyStore would pay MyPillow 18 directly for services. 19 So we did some changing that -- I 20 don't believe it was in February of 2021. 21 That's just Todd's recollection. Um, I could 22 check on that to validate that, but if 23 it's -- I thought it was more like 2022 when 24 his employment -- his official employment 25 switched.</p>	<p style="text-align: right;">Page 332</p> <p>1 from Lindell Management to -- 2 A. But -- no, no, it didn't say he would be. It 3 said Mike thought it would be better. If you 4 pull it up, it didn't say he was shifted. I 5 can make one phone call here and I can find 6 the exact date. For all I know, it was May. 7 By the time we got done, it could've been May 8 when he was officially switched over. 9 He's just looking at your emails. 10 He gets a paycheck auto put in his -- in his 11 account. My guess is that you guys are 12 completely wrong, that it's -- it might not 13 have been done until May. 14 We had a lot of stuff going on in 15 January and February at MyPillow. I don't 16 think the focus would have been on switching 17 employees around. 18 That was a suggestion that I made 19 to Sarah Cronin, and she passed it on to 20 Todd. It didn't say you will be switching on 21 this date, does it? Let's see here. These 22 are Todd's questions, and you're showing an 23 email. Pull up that email to Sarah Cronin. 24 I mean, this is all hearsay because 25 I -- I can find out. I can call HR</p>

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<p style="text-align: right;">Page 333</p> <p>1 department and find out exact dates. I would</p> <p>2 say I'm more right than this is here.</p> <p>3 You joined my -- in January of</p> <p>4 2018. So, you know, he's just answering</p> <p>5 questions. I'm sure Todd Carter didn't go</p> <p>6 check all the exact dates before you deposed</p> <p>7 him. I didn't even know he was deposed.</p> <p>8 But I'm just saying that the -- I</p> <p>9 can check on the exact date if it was</p> <p>10 February 28th or May 1st of '21. I didn't</p> <p>11 think it got switched until '22.</p> <p>12 Because it wasn't just him that got</p> <p>13 switched. It was also one lawyer got</p> <p>14 switched. I believe that time that I think</p> <p>15 Doug Wardlow got switched over. We made --</p> <p>16 there was some MyStore employees that got</p> <p>17 switched into MyStore employment rather than</p> <p>18 Lindell Management. There was a big shift.</p> <p>19 But I don't believe it would have been in</p> <p>20 February when things were moving so fast. I</p> <p>21 think it was later.</p> <p>22 Q. And -- and I want to look at his testimony</p> <p>23 here for a second, but when you're saying you</p> <p>24 think it might have been later, your thought</p> <p>25 is it might have been May of 2021?</p>	<p style="text-align: right;">Page 335</p> <p>1 I have no idea what he puts on LinkedIn.</p> <p>2 Q. And Mr. Carter is asked:</p> <p>3 "Did you prepare the information in your</p> <p>4 LinkedIn profile?</p> <p>5 "Answer: Yes."</p> <p>6 Correct?</p> <p>7 A. Okay.</p> <p>8 Q. And then Mr. Connolly begins to question him</p> <p>9 about the second page titled Experience. Do</p> <p>10 you see that?</p> <p>11 A. Yeah.</p> <p>12 Q. And then going down to the next page --</p> <p>13 A. Okay.</p> <p>14 Q. I'm sorry. On page 20 they're still talking</p> <p>15 through Mr. Carter's LinkedIn profile.</p> <p>16 "Question:" Page 20, line 8. "You</p> <p>17 became the chief technology officer of</p> <p>18 MyPillow in February of 2021, correct?</p> <p>19 "Answer: That's correct.</p> <p>20 "Question: Are you still the chief</p> <p>21 technology officer at MyPillow?</p> <p>22 "Answer: Yes, sir."</p> <p>23 A. So what does this have to do about LinkedIn?</p> <p>24 Q. So Mr. -- I'm trying to orient you to the</p> <p>25 fact that Mr. Carter was testifying based</p>
<p style="text-align: right;">Page 334</p> <p>1 A. It could have been, or even 2022.</p> <p>2 This says that -- just because it</p> <p>3 was suggested to Todd -- and this was all</p> <p>4 about -- this was all about we didn't have to</p> <p>5 divide out the companies anymore so much</p> <p>6 because MyStore went to be a standalone.</p> <p>7 So before -- it was originally set</p> <p>8 up because Todd was doing work for MyStore,</p> <p>9 the Lindell Foundation, which wasn't doing</p> <p>10 anything then, and the Lindell Recovery</p> <p>11 Network and then MyPillow.</p> <p>12 So, you know, when he went back</p> <p>13 there, if -- obviously he went back there. I</p> <p>14 do remember him going back. I just don't</p> <p>15 know when, but just I would highly doubt that</p> <p>16 it was February of '21.</p> <p>17 Q. Mr. Lindell, if you look here on page 16 of</p> <p>18 Mr. Carter's deposition, line 4.</p> <p>19 "Question: We're handing you now what</p> <p>20 we've marked as Exhibit 332. Exhibit 332 is</p> <p>21 a copy of your LinkedIn profile, correct?"</p> <p>22 A. Whose LinkedIn profile?</p> <p>23 Q. Mr. Carter's.</p> <p>24 A. Okay. I never -- I didn't know he had a</p> <p>25 LinkedIn profile and I don't use LinkedIn, so</p>	<p style="text-align: right;">Page 336</p> <p>1 upon his --</p> <p>2 A. I don't care -- I don't care what he</p> <p>3 testified. I'd have to look at the facts. I</p> <p>4 always look at the facts. I would have to</p> <p>5 call HR and say when did he actually do the</p> <p>6 switch.</p> <p>7 Todd Carter didn't probably look at</p> <p>8 his profile then. I don't care what he puts</p> <p>9 on his LinkedIn. I have people that work for</p> <p>10 MyPillow that put MyPillow.</p> <p>11 He was never acting in the capacity</p> <p>12 of MyPillow doing work for other companies.</p> <p>13 That's a fact. He's not getting paid by</p> <p>14 MyPillow to do stuff outside of MyPillow.</p> <p>15 That's why we have Lindell Management.</p> <p>16 So if he came in, they would</p> <p>17 have -- you would -- MyPillow would have to</p> <p>18 bill back whatever company that was he did</p> <p>19 work for. So MyPillow would actually have to</p> <p>20 bill MyStore if he did work for MyStore.</p> <p>21 This is what we had to do prior to</p> <p>22 Lindell Management, and I decided, well,</p> <p>23 let's go back to that because most of -- of</p> <p>24 his work was MyPillow, not all of it, because</p> <p>25 he lost a big chunk with MyStore. So I don't</p>



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<p style="text-align: right;">Page 337</p> <p>1 know what you're getting at here.</p> <p>2 Q. Okay. Mr. Lindell, I placed -- or we placed</p> <p>3 on the screen for you what was previously</p> <p>4 marked as Exhibit 332, and this is</p> <p>5 Mr. Carter's LinkedIn profile.</p> <p>6 And you will see there it says,</p> <p>7 "Chief technology officer MyPillow, Inc.</p> <p>8 February 2021 to present." Correct?</p> <p>9 A. Okay. All right. And what time -- what</p> <p>10 time -- if he says it was February, what day?</p> <p>11 Was it the last day in February?</p> <p>12 You know, you're trying -- I see</p> <p>13 what you're trying to say here. Well, did he</p> <p>14 do anything with Absolute Proof on</p> <p>15 February 5th after Smartmatic sued Fox News</p> <p>16 and changed our world forever with lawfare?</p> <p>17 I don't know.</p> <p>18 My guess is whenever that email</p> <p>19 was, it could have been MyPillow, it could've</p> <p>20 been Lindell Management. So, you know,</p> <p>21 whatever -- but he was not acting in a</p> <p>22 capacity of MyPillow, regardless if he did</p> <p>23 any work for myself. That's a fact.</p> <p>24 MyPillow had absolutely nothing to do with</p> <p>25 Absolute Proof or any of this stuff you're</p>	<p style="text-align: right;">Page 339</p> <p>1 (Simultaneous indiscernible crosstalk.)</p> <p>2 A. Anything he did work -- anything he did work</p> <p>3 outside of -- anything that -- it didn't have</p> <p>4 to do with MyPillow. He was not working in</p> <p>5 MyPillow's capacity. That's what I'm trying</p> <p>6 to tell you.</p> <p>7 If he did work for FrankSpeech,</p> <p>8 he's not doing it for MyPillow. If he did</p> <p>9 work anything -- I don't know if he did for</p> <p>10 the Cyber Symposium, but I don't think he</p> <p>11 did. But anything he did on the back end, he</p> <p>12 did work, that was paid for by Mike Lindell</p> <p>13 to him.</p> <p>14 Q. So -- so in your mind there's -- he's not</p> <p>15 acting as the CTO of MyPillow when he's</p> <p>16 working for you at MyPillow company as a CTO</p> <p>17 of MyPillow?</p> <p>18 A. No. When he is working for me at other</p> <p>19 things with technology, that entity gets</p> <p>20 billed. That entity gets billed, whether he</p> <p>21 is the MyPillow employee and we don't have</p> <p>22 enough for him to do there or it's spread</p> <p>23 out.</p> <p>24 That's what we did at Lindell</p> <p>25 Management. We also had to do that at</p>
<p style="text-align: right;">Page 338</p> <p>1 trying to say, period.</p> <p>2 You could ask -- if you depose Todd</p> <p>3 Carter, ask him if he ever seen any evidence</p> <p>4 or whatever or seen anything, you know.</p> <p>5 So whatever. What's the next</p> <p>6 thing?</p> <p>7 Q. Mr. Carter continued to do work promoting</p> <p>8 materials claiming that the 2020 election was</p> <p>9 stolen throughout 2021, correct?</p> <p>10 A. I don't know. I don't know. Todd Carter</p> <p>11 would run the back end. He doesn't promote</p> <p>12 anything. He's an IT guy. If I say, Hey, I</p> <p>13 want -- I want this video fixed here, I want</p> <p>14 this fixed over here, I want this -- the back</p> <p>15 end, I want the rack space quadrants put into</p> <p>16 this, I want, you know -- that's what --</p> <p>17 that's what he does.</p> <p>18 He doesn't have any knowledge --</p> <p>19 even putting stuff up, I mean, he has no</p> <p>20 clue. He is not a big -- I don't even think</p> <p>21 he -- for all I know, he's liberal, if that's</p> <p>22 what -- if you're talking politics.</p> <p>23 Q. My question was whether he did work, and I</p> <p>24 want to look at the next exhibit,</p> <p>25 Exhibit 748, which is tab --</p>	<p style="text-align: right;">Page 340</p> <p>1 MyPillow. You don't just take a MyPillow</p> <p>2 employee and if he does work for outside of</p> <p>3 MyPillow -- just like we do work for MyStore,</p> <p>4 MyStore gets billed for it.</p> <p>5 So MyPillow would bill -- if Todd</p> <p>6 Carter did work for FrankSpeech, they billed</p> <p>7 FrankSpeech if he is working for MyPillow.</p> <p>8 But that's why we had Lindell Management, to</p> <p>9 spread this out.</p> <p>10 When it went back to MyPillow --</p> <p>11 and I believe it might have been for his</p> <p>12 health insurance purposes, for all I know. I</p> <p>13 can't remember why some of them went back.</p> <p>14 I believe it's because MyPillow</p> <p>15 just started billing the entity MyStore or</p> <p>16 FrankSpeech. They didn't have to bill the</p> <p>17 individuals within. MyPillow billed those</p> <p>18 other entities that MyPillow did work for,</p> <p>19 whether it was lawyer work, email work, IT</p> <p>20 work. That happens all the way through.</p> <p>21 It's very common of a company like MyPillow.</p> <p>22 So they're billing out for services that we</p> <p>23 have above and beyond selling pillows.</p> <p>24 So when Todd Carter switched, he</p> <p>25 was billed -- like if he did work for</p>

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<p>1 MyStore, MyPillow would bill MyStore, just 2 like MyPillow would bill FrankSpeech, just 3 like MyPillow would bill Lindell Management 4 if Todd did work for me. 5 And so whatever day he switched, 6 those days, all that stuff would be billed to 7 Lindell Management from -- MyPillow would 8 charge Lindell Management for Todd Carter, 9 whether it was Todd Carter, Nick Dressen, 10 Dawn Curtis. I don't care who it would be. 11 The call center, the manufacturing plant, 12 whatever it would be, those entities get 13 billed for that service. It's kind of like 14 Lindell Management going over here. It's a 15 little more work for accounting, but that's 16 what -- that's what we do because -- 17 Q. Mr. Lindell, does -- do the employees -- do 18 MyPillow employees track the time that 19 they're working on various different items? 20 A. Absolutely. 21 Q. So how is that -- 22 A. Absolutely -- 23 (Simultaneous indiscernible crosstalk.) 24 Q. How is that tracked? 25 A. Well, okay, take an instance. Let's say it's</p>	<p>1 emails that go out for each entity, so you're 2 billed according to the -- if you have, let's 3 say -- a hundred percent of the emails. 4 Let's say 80 percent of them are MyPillow's 5 and 20 percent are, let's say, FrankSpeech or 6 Conservative whatever or Over 60. We do 7 emails for many companies. 8 So then Nick's wage would be split 9 up accordingly to the percentage of work 10 you're doing. We don't sit and micromanage. 11 We just do a, you know, this is 20 percent. 12 So on Todd Carter's thing, it would 13 be -- if it's MyPillow, just like we did with 14 Lindell Management, okay, he is spending 15 right now -- and that has to be looked at 16 almost once a month because it can change, it 17 can shift. 18 If he's doing a lot of work for 19 MyStore, then MyPillow will bill -- that 20 could go up to 20 percent or that specific 21 project where he's putting in a hundred 22 percent of his time, you just bill it for 23 that percent of that month. Whatever is 24 going on is all it is. So -- 25 (Simultaneous indiscernible crosstalk)</p>
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<p>1 emails. You have -- you might be -- you come 2 to an agreement at MyPillow, okay, we're 3 going to bill -- or let's say it's MyStore. 4 You're billed, let's say, 30 percent of the 5 time. We do the tracking ourself, the 6 individual employee. 7 I'll sit down with my son, 8 accounting, whatever -- usually it's my son 9 because he very much wants MyPillow to get 10 their money, believe me. He's a stickler for 11 that. You can't -- it would be unfair to 12 MyPillow if you had people doing work for 13 outside entities. 14 So you come to an agreement. Like 15 MyStore, I believe we came to an agreement 16 that it was -- and this was the attorney back 17 then that would be involved, too. 18 So like here we would come to -- 19 let's say it's the call center, 2 percent 20 of -- or 5 percent of the calls. So that's 21 easy to track because you know how much comes 22 in, but let's say it's -- and you know how 23 much product when it's sold like that. 24 Let's say it's email blasts. 25 That's pro rated. So you have this many</p>	<p>1 A. Like here's an example. 2 Q. Mr. Lindell -- 3 A. Our lawyer -- 4 Q. Mr. Lindell -- 5 A. Yeah. 6 Q. So the answer to my question is, no, the 7 employee himself doesn't keep track of time, 8 you're saying that -- 9 A. No, that's done between -- 10 (Simultaneous indiscernible crosstalk) 11 A. That's done between entities. The employee 12 does -- that's done between entities. 13 So if you -- you know, if you 14 got -- and a lot of times -- like in Todd 15 Carter's case, how much time are you spending 16 on this, how much time on this. 17 Like right now he had a lot to do 18 with Lindell Recovery Network because we were 19 attacked by the Attorney General. So he is 20 getting that website, which was a complete 21 flipover three months ago, a whole new site. 22 He had to dedicate probably 99 percent of his 23 time, or at least 95, to that. 24 So MyPillow would be billing that 25 entity, but that entity is a charity. So</p>

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<p style="text-align: right;">Page 345</p> <p>1 that -- so what they would do there, that</p> <p>2 would be donation in kind. The accountants</p> <p>3 to that or -- you know.</p> <p>4 Todd Carter, he gets asked -- Todd</p> <p>5 gets asked a lot. They'll say, What are you</p> <p>6 spending your time on? He gets asked. So</p> <p>7 does Doug Wardlow, like the employee -- or</p> <p>8 the in-house attorney that went to MyPillow</p> <p>9 now instead of Lindell Management.</p> <p>10 Nick is another one. Nick is easy.</p> <p>11 Some of them are easy to track because it's</p> <p>12 percentage of sales. That's all. The other</p> <p>13 ones, like Todd, you've got to ask him how</p> <p>14 much are you doing here, how much are you</p> <p>15 doing here. That's it.</p> <p>16 Q. And, Mr. Lindell, then do you have</p> <p>17 documentation of these bills and invoices</p> <p>18 going back and forth?</p> <p>19 A. That's all in -- that's all -- that's all</p> <p>20 internal, done internal in accounting. All</p> <p>21 of that's kept track with in accounting and</p> <p>22 billed in accounting accordingly. When you</p> <p>23 see those -- so that will be, you know -- in</p> <p>24 any given month, it's all done in accounting.</p> <p>25 You'd have to, you know, pull up -- pull up</p>	<p style="text-align: right;">Page 347</p> <p>1 thing. So those would be, you know -- we'll</p> <p>2 give you those. That's easy.</p> <p>3 BY MR. FREY:</p> <p>4 Q. I want to look at this exhibit here that we</p> <p>5 placed up, which is Exhibit 750. This has</p> <p>6 Bates stamp DEF060729.</p> <p>7 (Deposition Exhibit 750 was marked for identification.)</p> <p>8 BY MR. FREY:</p> <p>9 Q. Do you see this here? It's from Todd Carter</p> <p>10 at MyPillow.com.</p> <p>11 A. Yeah.</p> <p>12 Q. And the date is May 26, 2021, right?</p> <p>13 A. Yep.</p> <p>14 Q. And his email address signature is Todd</p> <p>15 Carter, chief technology officer at MyPillow,</p> <p>16 correct?</p> <p>17 A. Yep.</p> <p>18 Q. So Mr. Carter wouldn't just make up that</p> <p>19 signature block, chief technology officer at</p> <p>20 MyPillow, right?</p> <p>21 A. Okay. Let me just tell you Sarah Cronin has</p> <p>22 not been employed at MyPillow in eons and</p> <p>23 she's got sarahcronin@mypillow.com. She</p> <p>24 hasn't worked for MyPillow in probably eight</p> <p>25 to ten years. So you guys can say all you</p>
<p style="text-align: right;">Page 346</p> <p>1 those records.</p> <p>2 Q. All right. And do you have --</p> <p>3 (Simultaneous indiscernible crosstalk.)</p> <p>4 Q. Please produce those to us.</p> <p>5 A. Yeah, I can see if we have them. Those are</p> <p>6 basically intercompany IOUs that would be</p> <p>7 tracked, you know, this is how much -- and I</p> <p>8 can find that out. I can find out how it's</p> <p>9 wrote down.</p> <p>10 I don't know how it ends up in</p> <p>11 QuickBooks, but it does. Some of it's a</p> <p>12 formula that's done every month, I know that,</p> <p>13 based on -- based on sales.</p> <p>14 Q. Well, Mr. Lindell, I'll speak to your</p> <p>15 attorney.</p> <p>16 MR. FREY: Mr. Kachouroff, I would</p> <p>17 ask for the production of that, which I think</p> <p>18 is already encapsulated in our fifth set --</p> <p>19 THE WITNESS: I think it's</p> <p>20 already -- I think it's already -- I think</p> <p>21 it's already in what you guys have there. We</p> <p>22 just to have the accountants point to where</p> <p>23 the numbers are at.</p> <p>24 My guess it's in that FrankSpeech</p> <p>25 loan thing, MyStore thing, Lindell Management</p>	<p style="text-align: right;">Page 348</p> <p>1 want. These are just -- they're</p> <p>2 interchangeable emails. We haven't -- that's</p> <p>3 what they happen to come down their block.</p> <p>4 Like if I email right now, I have</p> <p>5 eight different emails. At one time I was</p> <p>6 sending out foundation. I go crap, I hit the</p> <p>7 wrong thing on there and it pulled up the</p> <p>8 wrong email as the primary. So that's all</p> <p>9 that is.</p> <p>10 Q. And how about the signature block?</p> <p>11 A. What signature block?</p> <p>12 Q. Mr. Carter's signature block, Todd Carter,</p> <p>13 chief technology officer at MyPillow?</p> <p>14 A. Okay. What's the date on this?</p> <p>15 Q. May 26, 2021.</p> <p>16 A. Yeah, that's fine. By then he probably was</p> <p>17 working for MyPillow.</p> <p>18 Q. And in this email --</p> <p>19 A. Like I told you --</p> <p>20 (Simultaneous indiscernible crosstalk.)</p> <p>21 A. Then you separate out things when he's doing</p> <p>22 work for other companies. Right now -- I</p> <p>23 don't know what this one is. "I've manually</p> <p>24 gone through" -- whose registrars [phonetic]</p> <p>25 for what? What is --</p>

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<p style="text-align: right;">Page 349</p> <p>1 Q. Based on the context of the email, it appears</p> <p>2 to be for the Cyber Symposium, I'll represent</p> <p>3 to you.</p> <p>4 A. What day -- what's the date on this?</p> <p>5 Q. May 26, 2021.</p> <p>6 A. The Cyber Symposium -- it's a complete lie</p> <p>7 because the Cyber Symposium was in August and</p> <p>8 it hadn't even been thought up yet. So sorry</p> <p>9 to rain on your parade. The Cyber Symposium</p> <p>10 wasn't planned until July and I threw it in</p> <p>11 August. So May is nothing. I have no idea</p> <p>12 what this is for.</p> <p>13 So (buzzer sound). Sorry. What</p> <p>14 else is next? You guys should get your facts</p> <p>15 right before you start pulling stuff out.</p> <p>16 I have no idea what these emails</p> <p>17 were for. Probably MyPillow emails. We have</p> <p>18 problems all the time with MyPillow emails.</p> <p>19 We have to make sure that we don't get put on</p> <p>20 spam and everything else. Todd works with --</p> <p>21 internally on that a lot.</p> <p>22 But it definitely wasn't Cyber</p> <p>23 Symposium, I'll tell you that. One thousand</p> <p>24 percent. Cyber Symposium wasn't thought up</p> <p>25 until July of 2021 and it was -- it was held</p>	<p style="text-align: right;">Page 351</p> <p>1 they were paid by me at Lindell Management or</p> <p>2 Mike Lindell, a hundred percent, a hundred</p> <p>3 percent.</p> <p>4 Anybody that showed up there that</p> <p>5 maybe took people at the door, and I don't</p> <p>6 know if she was or not or if -- what she did,</p> <p>7 they were all paid personally by Mike</p> <p>8 Lindell, one hundred percent. Not one dime</p> <p>9 was taken from MyPillow and paid to these</p> <p>10 people.</p> <p>11 And Terri Pietz -- there's another</p> <p>12 one. She doesn't even work for MyPillow</p> <p>13 anymore and to this day she -- if you emailed</p> <p>14 her, she uses her MyPillow.com email. This</p> <p>15 is --</p> <p>16 Q. When Ms. Pietz -- when Ms. Pietz worked for</p> <p>17 MyPillow, was she salaried or did she get</p> <p>18 paid hourly?</p> <p>19 A. She got paid hourly.</p> <p>20 Q. How about Mr. Carter? Is he salaried or is</p> <p>21 he paid hourly?</p> <p>22 A. He's salary.</p> <p>23 Q. And Ms. Curtis?</p> <p>24 A. Hourly. I don't know. I don't know about</p> <p>25 her, if she is hourly or salary. She works</p>
<p style="text-align: right;">Page 350</p> <p>1 on, I believe, August maybe 12th, 13th, 14th,</p> <p>2 something like that, in '21.</p> <p>3 Q. Let's look at the next document --</p> <p>4 A. Yeah, that one didn't work out for you.</p> <p>5 What's the next one?</p> <p>6 Q. -- which is tab 30.</p> <p>7 MR. FREY: This will be</p> <p>8 Exhibit 751. And for the record, the Bates</p> <p>9 identifier on this document is DEF078672.</p> <p>10 (Deposition Exhibit 751 was marked for identification.)</p> <p>11 BY MR. FREY:</p> <p>12 Q. You see this is MyPillow employee Terri Pietz</p> <p>13 sending --</p> <p>14 A. Yeah.</p> <p>15 Q. -- a Cyber Symposium attendee list in Excel</p> <p>16 format. Do you see that?</p> <p>17 A. Okay. Yep. That's on August 9th of 2021.</p> <p>18 Q. And so did Ms. Pietz work on the Cyber</p> <p>19 Symposium?</p> <p>20 A. I have no idea. I don't know where Terri</p> <p>21 Pietz -- it's not Pietz. It's Pietz. She's</p> <p>22 the one that hangs -- what do you call --</p> <p>23 pictures and stuff.</p> <p>24 If she were -- anyone that went to</p> <p>25 the Cyber Symposium, they were not paid or</p>	<p style="text-align: right;">Page 352</p> <p>1 every day like clockwork from 6:00 to 3:00.</p> <p>2 So I think she's probably hourly, but I don't</p> <p>3 know for sure.</p> <p>4 Q. I want to look at the next one, tab 32.</p> <p>5 MR. FREY: Julie, this will be</p> <p>6 DEF121693, Exhibit 752.</p> <p>7 (Deposition Exhibit 752 was marked for identification.)</p> <p>8 BY MR. FREY:</p> <p>9 Q. And do you see at the top here these are --</p> <p>10 oh, sorry -- texts between Nick Dressen and</p> <p>11 Todd Carter?</p> <p>12 A. That's correct.</p> <p>13 Q. And Nick Dressen is a MyPillow employee?</p> <p>14 A. Yes, Nick is a MyPillow employee.</p> <p>15 Q. On page 13 --</p> <p>16 A. Did that say 2019? I thought I seen there.</p> <p>17 Q. Oh, yeah, those are all -- those were</p> <p>18 redacted because they were older texts.</p> <p>19 So we're going down to page 13. Do</p> <p>20 you see this? You can see the date there.</p> <p>21 It's August 5th, 2021?</p> <p>22 A. Yep.</p> <p>23 Q. And Mr. Dressen says, "Here is a visual for</p> <p>24 how Mike wants the email to look. I couldn't</p> <p>25 send a test message. Emailing images and</p>



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<p style="text-align: right;">Page 353</p> <p>1 links now." Right?</p> <p>2 A. Right. That's right.</p> <p>3 MR. FREY: The attachment there</p> <p>4 we'll introduce as Exhibit 753.</p> <p>5 (Deposition Exhibit 753 was marked for identification.)</p> <p>6 BY MR. FREY:</p> <p>7 Q. Do you see here that this is an advertisement</p> <p>8 for the Cyber Symposium event on August --</p> <p>9 A. Absolutely. Yes. Yes, I do.</p> <p>10 Q. And Mr. Dressen created this visual, right?</p> <p>11 A. No, he didn't create that visual. What do</p> <p>12 you mean? He doesn't create that. He</p> <p>13 can't -- he's not a designer.</p> <p>14 Q. Well, he says --</p> <p>15 A. He put -- he put this -- he put this into an</p> <p>16 email to FrankSpeech, the FrankSpeech email</p> <p>17 list. That's what he did. He put this image</p> <p>18 that I gave him. Okay? I did my thing.</p> <p>19 That email there, I took that and -- he took</p> <p>20 that and he put it in his email to a</p> <p>21 FrankSpeech customer, not MyPillow.</p> <p>22 We never, ever, ever would mix</p> <p>23 MyPillow with what I was doing, period, and</p> <p>24 that includes text marketing, too, because</p> <p>25 you're never going to find a MyPillow person</p>	<p style="text-align: right;">Page 355</p> <p>1 hits the button. That's exactly right. And</p> <p>2 so MyPillow bills FrankSpeech. MyPillow</p> <p>3 bills FrankSpeech or in this case would have</p> <p>4 been Lindell Management for this work being</p> <p>5 done.</p> <p>6 Q. I'm going to move to strike everything after</p> <p>7 "yeah" as nonresponsive.</p> <p>8 So --</p> <p>9 A. Because you don't -- because you don't want</p> <p>10 the truth put in there.</p> <p>11 Q. -- Mr. Dressen -- move to strike.</p> <p>12 Mr. Dressen understands himself to</p> <p>13 be a MyPillow employee, correct?</p> <p>14 A. Yeah. And he also knows when he's doing work</p> <p>15 for the other entities that it gets billed</p> <p>16 out. That's exactly right. You are a</p> <p>17 hundred percent right. He's a MyPillow</p> <p>18 employee and, yes, he does work for other</p> <p>19 entities. And MyPillow -- part of his wage</p> <p>20 gets covered because of that. What a great</p> <p>21 thing, because MyPillow has been decimated so</p> <p>22 we're able to find him other work to not have</p> <p>23 to lay off people like Nick Dressen or Todd</p> <p>24 Carter instead of all the rest of our</p> <p>25 employees we had to get rid of because he</p>
<p style="text-align: right;">Page 354</p> <p>1 out there that got sent something like this.</p> <p>2 That's not true. So this is a FrankSpeech</p> <p>3 email list and -- and -- to advertise to them</p> <p>4 about this event. That's correct.</p> <p>5 Q. And Mr. Dressen is working on this with</p> <p>6 Mr. Carter?</p> <p>7 A. No, Mr. Carter -- Mr. Carter, I told him to</p> <p>8 -- he has to embed it on FrankSpeech when he</p> <p>9 would be working for FrankSpeech. This image</p> <p>10 where people can go to has to be embedded</p> <p>11 somewhere. So it was embedded on my own</p> <p>12 servers that I bought at FrankSpeech when I</p> <p>13 built FrankSpeech.</p> <p>14 And Todd Carter -- so he goes,</p> <p>15 here, use this image and it's a link to it.</p> <p>16 So that's all he was doing, was sending that</p> <p>17 to -- what I wanted to Nick Dressen. That's</p> <p>18 correct.</p> <p>19 Q. And Nick Dressen is another MyPillow</p> <p>20 employee?</p> <p>21 A. Yeah. And then MyPillow would bill. For all</p> <p>22 the FrankSpeech emails they billed the</p> <p>23 company. He's working for MyPillow. He</p> <p>24 doesn't have a clue of what he's sending or</p> <p>25 what he's doing there. He does the work and</p>	<p style="text-align: right;">Page 356</p> <p>1 is -- of the lawfare and attacks on our</p> <p>2 company that has been decimated. So we're</p> <p>3 finding him other work that MyPillow can bill</p> <p>4 out for. You are correct.</p> <p>5 Q. Move to strike everything after --</p> <p>6 A. You want to strike that, too? Well, of</p> <p>7 course you do. Of course you do.</p> <p>8 Q. Mr. Lindell, if you could just answer my</p> <p>9 questions, we could get done a lot quicker.</p> <p>10 A. I don't care how quick we get done. I've got</p> <p>11 all night.</p> <p>12 Nick Dressen is a MyPillow employee</p> <p>13 that does work for other entities that</p> <p>14 MyPillow bills for. That's it.</p> <p>15 Q. And you see here on this exhibit --</p> <p>16 A. Many other entities, by the way, many others.</p> <p>17 Amix [phonetic] -- Amix. There's all kinds</p> <p>18 of companies he does emails for.</p> <p>19 MR. KACHOUROFF: Mike, let him ask</p> <p>20 his question. You answer the question.</p> <p>21 THE WITNESS: Well, there's other</p> <p>22 companies he works for. I'm just trying to</p> <p>23 answer the question. He's a MyPillow</p> <p>24 employee, but we bill out his hours to other</p> <p>25 people. He doesn't know what he's sending.</p>

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<p style="text-align: right;">Page 357</p> <p>1 We just send it. There's many companies, at 2 least seven that I know of, that he does 3 email work for. 4 BY MR. FREY: 5 Q. MyPillow bills out the amount to other 6 companies, so MyPillow gets paid for his 7 time? 8 A. That's exactly -- MyPillow gets -- when he's 9 doing work for other companies, MyPillow 10 charges the other companies that he's doing 11 emails for; of course he does. He's not 12 doing it to, like, benefit to MyPillow. It's 13 so he can keep a job because he lost a lot of 14 MyPillow things because there wasn't much to 15 do as MyPillow lost all its business. 16 So we've added business. I'll give 17 an example. We send out for, oh, other 18 companies, like Amix and over 60, we send out 19 their emails. They get billed. We've almost 20 created like a little company within a 21 company that can help people with their email 22 blasts. We've become -- he's become -- we've 23 become very good with marketing that way. 24 Q. And MyPillow profits from doing these things? 25 A. No. MyPillow doesn't upcharge. MyPillow</p>	<p style="text-align: right;">Page 359</p> <p>1 to do work for entities such as FrankSpeech 2 or for the Cyber Symposium in this time 3 period of, you know, July of -- 4 A. It was common for my -- it was common for 5 MyPillow -- prior to all this election 6 garbage, it was prior to MyPillow -- they 7 would do work for, let's say, it was the 8 foundation or MyStore or -- this is why we 9 came up with Lindell Management, because we 10 had to sit there and divide out how much 11 money that this entity would owe MyPillow to 12 be fair because you had lawyers -- their time 13 is divided. Todd Carter's time was divided. 14 Nick's time would be divided. 15 Entities where you were doing 16 stuff -- like we did stuff for this one 17 church -- this one church and we're going -- 18 and that had nothing to do with MyPillow, so 19 MyPillow would bill that church for that 20 time. We didn't upcharge it. We were just 21 doing it as a favor. But it helped -- it 22 helped the church. And we just divided the 23 time. There were too many entities. 24 So when we get into '21, nothing 25 was any different then that we had already</p>
<p style="text-align: right;">Page 358</p> <p>1 just takes what we would've paid Nick. 2 Instead of having a management company, we 3 divide it out. We don't upcharge that. We 4 don't upcharge that. We're not putting 5 things on Nick's wage. We're just dividing 6 up his wage so it's correctly put so he's not 7 doing work for MyPillow when it's for 8 somebody else. That's all. We don't 9 upcharge that. 10 And we do it at MyPillow -- I mean 11 at MyStore, it's a broader thing where -- 12 that's a little broader thing. So MyPillow 13 actually makes money for doing fulfillment 14 and call center work for MyStore and other 15 entities in that -- in that regard. 16 The other thing like we say, rather 17 than having two technology officers or two or 18 three -- this is what Lindell Management was. 19 But when MyStore went back, we went back to 20 the way we were doing it before. 21 It's not fair to a MyPillow thing 22 if you're doing work over here. You better 23 at least get that part of his wage back and 24 paid for. And that's all we do. 25 Q. So was it common then for MyPillow employees</p>	<p style="text-align: right;">Page 360</p> <p>1 been doing for seven or eight years and we 2 had other entities. That's when we brought 3 in Lindell Management to actually -- so we 4 could do that and bill those things 5 correctly, because there were employees like 6 Todd Carter, one of the in-house attorneys, 7 one of the -- you know, where these 8 entities -- like MyStore might have needed 9 one-fourth of an IT guy or one-third of a 10 website guy. And rather than hire these out, 11 we thought, well, heck, we'll just do it from 12 within and they'll pay the -- that part of 13 their wage. That's where we set up Lindell 14 Management. 15 But we went back to that, though, 16 when my son and I came up with MyStore being 17 -- doing fulfillment because it got very hard 18 with MyStore to divide it out. So we did a 19 percentage. It wasn't fair. You're doing it 20 for another entity. And we were doing a lot 21 of fulfillment for MyStore and MyStore 22 employees and it got very convoluted. So we 23 put everything into my MyStore. MyStore 24 employee, they just did MyStore work. 25 Once we did that we -- we put Todd</p>

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<p style="text-align: right;">Page 361</p> <p>1 and them back into MyPillow and then -- and</p> <p>2 like Nick and him -- it's basically just</p> <p>3 Nick, him, and you might have -- and the</p> <p>4 lawyer, those three, where they're doing work</p> <p>5 for other entities that were just going, hey,</p> <p>6 if you're doing work over here, MyPillow,</p> <p>7 we'll just bill them for those hours and for</p> <p>8 that time. We don't upcharge.</p> <p>9 Q. That's -- so what you just described of</p> <p>10 MyPillow employees doing work for other</p> <p>11 entities and then MyPillow charging out time</p> <p>12 to those other entities is part of MyPillow's</p> <p>13 regular business practice?</p> <p>14 A. No. It was only because we had employees</p> <p>15 that we didn't -- that when -- when MyPillow</p> <p>16 started going downhill, was losing jobs and</p> <p>17 everything else, and when we -- for example,</p> <p>18 losing the box stores, we -- losing the box</p> <p>19 stores, we had to make -- that's when I moved</p> <p>20 Todd back in.</p> <p>21 You had -- you didn't have work.</p> <p>22 Like all the Lindell Recovery Network, all</p> <p>23 that I had to leave that aside. So there</p> <p>24 wasn't work over here. It was basically hit</p> <p>25 the pause button. The foundation hit the</p>	<p style="text-align: right;">Page 363</p> <p>1 but he couldn't do it because MyPillow was</p> <p>2 maybe 24 percent of -- or 24 hours of his job</p> <p>3 and maybe 16 over here. So to have two</p> <p>4 separate checks you would lose your health</p> <p>5 insurance. You couldn't -- because you have</p> <p>6 to hit a certain plateau at one of the</p> <p>7 entities.</p> <p>8 There was a lot of thought that</p> <p>9 went into that when we had to switch him</p> <p>10 back. And you know --</p> <p>11 Q. They were MyPillow employees, correct?</p> <p>12 A. When? Todd was not until sometime in</p> <p>13 February. He went from Lindell Management to</p> <p>14 that.</p> <p>15 Q. Okay. February -- sometime in February 2021</p> <p>16 he's a MyPillow employee?</p> <p>17 A. If your things are right. If yours are</p> <p>18 right. I'll have to fact check you on that.</p> <p>19 I'll call Alan Duke.</p> <p>20 Q. I want to look now at Exhibit 753 [sic].</p> <p>21 This is tab 33. This is Bates number</p> <p>22 DEF006817. I apologize, Exhibit 754.</p> <p>23 (Deposition Exhibit 754 was marked for identification.)</p> <p>24 BY MR. FREY:</p> <p>25 Q. And this is from a Jessica Maskovich, who we</p>
<p style="text-align: right;">Page 362</p> <p>1 pause button.</p> <p>2 So all this stuff -- so we moved</p> <p>3 him back into MyPillow. And if there was any</p> <p>4 work done outside of that, MyPillow would</p> <p>5 just bill them for it. It wasn't to make</p> <p>6 money. It was because it wasn't fair to</p> <p>7 MyPillow if he's doing work for these other</p> <p>8 entities.</p> <p>9 Same way with Doug Wardlow. I</p> <p>10 don't know what's so hard to understand. It</p> <p>11 was -- when MyStore got moved back -- when</p> <p>12 MyStore got their own fulfillment and stuff,</p> <p>13 it didn't make sense. I could go out and</p> <p>14 hire a -- I could've turned Todd Carter into</p> <p>15 contract labor, but then he would lose his</p> <p>16 health insurance. We even talked about that.</p> <p>17 And Doug Wardlow, where you would go, okay,</p> <p>18 you guys bill this entity this and this</p> <p>19 entity this. That's why we did it with --</p> <p>20 Lindell Management did it here, moved him</p> <p>21 back to MyPillow. It's basically how much</p> <p>22 work is he doing over here. They'll pay that</p> <p>23 wage rather than have --</p> <p>24 We even were going to have two</p> <p>25 separate payrolls and two separate checks,</p>	<p style="text-align: right;">Page 364</p> <p>1 discussed earlier I believe, to a Kimberley</p> <p>2 Warrick at jimbakkershow.com, correct?</p> <p>3 A. Uh-huh.</p> <p>4 Q. And this is August 23rd, 2021. She's</p> <p>5 emailing about the topics you would like to</p> <p>6 cover during the taping on the Jim Bakker</p> <p>7 show, right?</p> <p>8 A. Yep. Right.</p> <p>9 Q. And Ms. Maskovich lists topics we'd like to</p> <p>10 cover on the show beginning with the election</p> <p>11 of 2020, right?</p> <p>12 A. Yep.</p> <p>13 Q. And so is Ms. Maskovich here setting up media</p> <p>14 appearances for you about the 2020 election?</p> <p>15 A. No. Absolutely not. The Jim Bakker show,</p> <p>16 which I've been on numerous times going back</p> <p>17 to 2014, when they have me on there it's to</p> <p>18 interview me and they sell products in their</p> <p>19 show, if you've ever watched the Jim Bakker</p> <p>20 show.</p> <p>21 So whatever the topics would be --</p> <p>22 you see Lindell Recovery Network, the media,</p> <p>23 whatever is going on in the world right now,</p> <p>24 that's what they're interviewing. It just so</p> <p>25 happened that this interview was the election</p>

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<p style="text-align: right;">Page 365</p> <p>1 of 2020 and cancel culture.</p> <p>2 If you go back -- we were usually</p> <p>3 on there about once every four or five</p> <p>4 months. When I would go on there, their</p> <p>5 ministry, they would sell hundreds and</p> <p>6 hundreds of MyPillow products. So they would</p> <p>7 do that, and then they would interview me</p> <p>8 whatever it would be.</p> <p>9 So let's say they're talking about</p> <p>10 my Recovery Network or they're talking about</p> <p>11 MyPillow hiring all these employees or let's</p> <p>12 say it would be my foundation, whatever it</p> <p>13 was. And then they would ask me about the</p> <p>14 news, whatever is going on in the media at</p> <p>15 that time. Okay? This is a -- this is a --</p> <p>16 and then along with that, if you have ever</p> <p>17 watched that hour show, they're selling</p> <p>18 products. They're selling products.</p> <p>19 So they've done -- they've done</p> <p>20 their show with selling my products before.</p> <p>21 They do it all the time. They sold my</p> <p>22 products. They've done the show without me</p> <p>23 on there.</p> <p>24 Once again -- this is a little bit</p> <p>25 different, though. It's kind of like -- in a</p>	<p style="text-align: right;">Page 367</p> <p>1 Is there anything he doesn't want?</p> <p>2 This is stemming back to them and</p> <p>3 I'm going here's what I would like to cover;</p> <p>4 the election, cancel culture, the media,</p> <p>5 Lindell Recovery Network and miracles we are</p> <p>6 living right now -- miracles we are living</p> <p>7 right now. But they reached out to her and</p> <p>8 say here's what we'd like to do -- talk</p> <p>9 about. That happens in regular interviews,</p> <p>10 too, all the time. Is Mike comfortable</p> <p>11 talking about these or what would he want to</p> <p>12 talk about? And for me my answer is I'll</p> <p>13 talk about anything you want.</p> <p>14 Q. What does "miracles we are living right now"</p> <p>15 refer to?</p> <p>16 A. I don't know back then. I guess the</p> <p>17 miracles, that would be -- I don't know what</p> <p>18 the date of this is. August of '21. I have</p> <p>19 no idea.</p> <p>20 The miracles about -- eventually we</p> <p>21 have taken until now that someday we'll have</p> <p>22 paper ballots hand counted. I don't know</p> <p>23 what I as thinking back then. Miracles we're</p> <p>24 living right now.</p> <p>25 I know what it was, all the bad</p>
<p style="text-align: right;">Page 366</p> <p>1 way it's -- it's not a shopping channel, but</p> <p>2 that's how they make their money, is all</p> <p>3 products. And they make it a human interest</p> <p>4 story like -- kind of like when I was on The</p> <p>5 View. The View would have their interviews</p> <p>6 and stuff and then they're selling MyPillow</p> <p>7 product or whatever product would be there.</p> <p>8 But not necessarily The View -- that's a --</p> <p>9 well, kind of because that's the way Jim</p> <p>10 Bakker is. There's like three of them on a</p> <p>11 panel and they're bringing in the guest.</p> <p>12 So Jessica, what -- she always set</p> <p>13 up Jim Bakker show because that's a big --</p> <p>14 was a big revenue stream. But this -- this</p> <p>15 particular time I happened to be on it myself</p> <p>16 and here were the topics that they wanted to</p> <p>17 cover, that they asked to cover, am I</p> <p>18 comfortable talking about these? Okay?</p> <p>19 Q. Well, Ms. Maskovich says, "...here are the</p> <p>20 topics Mike would like to cover...."</p> <p>21 Correct? That's what it says?</p> <p>22 A. They give -- they give a list of topics and</p> <p>23 say which ones do you want? They always did</p> <p>24 this at Bakker. What would Mike like to talk</p> <p>25 about? Here's what we -- here's our list.</p>	<p style="text-align: right;">Page 368</p> <p>1 things that were happening, more and more</p> <p>2 people -- this is what I talked about on the</p> <p>3 show. Now I do remember. People didn't look</p> <p>4 to God when things are going good, it's</p> <p>5 usually when things are going bad.</p> <p>6 And right out of the gate if you</p> <p>7 talk politics, these -- our country started</p> <p>8 getting destroyed. The border was opened up.</p> <p>9 Fentanyl was pouring in. As you know, I'm</p> <p>10 very partial to helping addicts. And people</p> <p>11 were dying.</p> <p>12 But all these miracles that were</p> <p>13 going on, more and more people were finding</p> <p>14 their Lord as their personal savior. It's a</p> <p>15 bucket, and people were pouring into this</p> <p>16 bucket even in spite of all the horrible,</p> <p>17 horrific things that were going on that we</p> <p>18 were experiencing over the last year and a</p> <p>19 half, including the China virus.</p> <p>20 So then you had all the stuff with</p> <p>21 the elections, and then what -- this</p> <p>22 administration had shut down the pipeline, 13</p> <p>23 people committed suicide, 50,000 people lost</p> <p>24 their job. Let's open up the border, let</p> <p>25 fentanyl pour in. Gas prices shot through</p>



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<p style="text-align: right;">Page 369</p> <p>1 the roof. The economy getting decimated.</p> <p>2 I switched that around and said</p> <p>3 these are miracles because more and more</p> <p>4 people -- God has given us grace because more</p> <p>5 and more people are finding the Lord every</p> <p>6 day.</p> <p>7 People talk to me every day. Mike,</p> <p>8 this doesn't feel like grace. You said that</p> <p>9 back in the day God has given us grace for</p> <p>10 such a time like this, back to the Rose</p> <p>11 Garden speech. I said, Oh, but it is because</p> <p>12 people are pouring into this bucket.</p> <p>13 If you go to my Lindell Recovery</p> <p>14 Network, getting off addiction is just a</p> <p>15 bonus. It's finding Jesus as your savior is</p> <p>16 the real win. And that's what I was talking</p> <p>17 about.</p> <p>18 That's what the Jim Bakker show is</p> <p>19 all about, is taking everything that's going</p> <p>20 on and showing how, you know -- this is why I</p> <p>21 went on there. It shows, hey, this is what's</p> <p>22 happening. It's a much bigger picture.</p> <p>23 We're in a spiritual battle of evil</p> <p>24 and good that this world has never seen</p> <p>25 anything like this.</p>	<p style="text-align: right;">Page 371</p> <p>1 Q. And at the time --</p> <p>2 A. In fact, it made the news. In fact, it made</p> <p>3 -- actually, it was the same day I think you</p> <p>4 sued Fox News, to be honest with you, because</p> <p>5 I was on Newsmax and they were asking why</p> <p>6 MyPillow Twitter got taken down. And the guy</p> <p>7 ripped his microphone off because he was --</p> <p>8 he said, We here do not talk about electronic</p> <p>9 machines. We are -- we believe that the</p> <p>10 election was perfect. And he had --</p> <p>11 Q. Mr. Lindell, who ran the MyPillow Twitter</p> <p>12 account before it was taken down? Who posted</p> <p>13 on it?</p> <p>14 A. I don't know. But I posted on it when -- I</p> <p>15 know I posted on it when it was lost. There</p> <p>16 was -- there was one post that was put up --</p> <p>17 there was one post that was put up by me and</p> <p>18 I said -- because when they took down my</p> <p>19 personal Twitter, I went to MyPillow's</p> <p>20 Twitter and I put on there: Hey, Jack</p> <p>21 Dorsey, this is what Jack took down my</p> <p>22 personal Twitter for, and I put on there --</p> <p>23 it was a thing about my Lindell Recovery</p> <p>24 Network, this beautiful thing written by my</p> <p>25 director. And this was about 12:00, 12:30 at</p>
<p style="text-align: right;">Page 370</p> <p>1 Q. All right. I want to move on to topic 15,</p> <p>2 Mr. Lindell. Topic 15 --</p> <p>3 A. Yep. Go ahead.</p> <p>4 MR. FREY: Can you put that up.</p> <p>5 Put the notice back up for you so you can</p> <p>6 read it.</p> <p>7 BY MR. FREY:</p> <p>8 Q. Topic 15 is MyPillow's social media accounts</p> <p>9 from January 1, 2020 to the present, and then</p> <p>10 I'll -- you can read the including there.</p> <p>11 A. (Reviewing document.)</p> <p>12 Q. Let me know when you're ready.</p> <p>13 A. I see it.</p> <p>14 Q. Okay. And did you prepare yourself to</p> <p>15 testify as to this topic today, Mr. Lindell?</p> <p>16 A. No. I know everything that I -- I believe</p> <p>17 I'm fairly knowledgeable on everything here.</p> <p>18 Q. So what are the social media accounts that</p> <p>19 MyPillow has? Did MyPillow have a Twitter</p> <p>20 account?</p> <p>21 A. I don't know. I think it got -- it got taken</p> <p>22 down. I think it was reinstated maybe last</p> <p>23 year. But it was taken down. After you guys</p> <p>24 sued Fox News, my Twitter was taken down soon</p> <p>25 after that, I believe.</p>	<p style="text-align: right;">Page 372</p> <p>1 night and then no response. All the bots and</p> <p>2 trolls said, Take him down, Jack. He's using</p> <p>3 another Twitter. You took his away. And</p> <p>4 then finally I put: Jack, we know you're in</p> <p>5 on this and we look forward to the day you go</p> <p>6 to prison or something like that for being</p> <p>7 involved in this. And then Jack took down</p> <p>8 MyPillow's Twitter. Before that I wasn't</p> <p>9 running it. They just put ads up. That was</p> <p>10 all it was ever used for. All of our social</p> <p>11 media is ads.</p> <p>12 Q. Aside from that, you could post on it and the</p> <p>13 other posts --</p> <p>14 A. No, that's the only time -- that's the only</p> <p>15 time I posted on it that I ever remember,</p> <p>16 ever, was because they took my personal</p> <p>17 Twitter away.</p> <p>18 So the MyPillow -- the MyPillow</p> <p>19 posts were all ads, everything of my</p> <p>20 MyPillow. The only thing ever put on</p> <p>21 MyPillow was just like I told you. When</p> <p>22 Twitter took my personal Twitter away, I</p> <p>23 posted -- Mike Lindell posted to MyPillow's</p> <p>24 Twitter saying here's why Jack took down my</p> <p>25 personal Twitter. I did do that. It was</p>

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<p style="text-align: right;">Page 373</p> <p>1 three lines.</p> <p>2 Q. Did MyPillow -- does MyPillow have a Facebook</p> <p>3 account?</p> <p>4 A. Yes, I believe it does. I'm never on any of</p> <p>5 these social media. That gets -- I don't do</p> <p>6 any posting ever on the social media, other</p> <p>7 than what I just told you about MyPillow's</p> <p>8 Twitter.</p> <p>9 Q. So who's authorized to post on the Facebook</p> <p>10 account?</p> <p>11 A. Back then I have no idea. They -- right now</p> <p>12 it's -- it's a gal named Heidi, and she puts</p> <p>13 up generic ads and buys ads on all those</p> <p>14 accounts every day. They're all MyPillow</p> <p>15 products.</p> <p>16 Nothing is ever, ever, ever posted</p> <p>17 about anything outside of MyPillow on any of</p> <p>18 those accounts, other than what I just told</p> <p>19 you, the one post I did one time when I was</p> <p>20 very upset Jack Dorsey took down my personal</p> <p>21 Twitter account with almost a million people</p> <p>22 on it.</p> <p>23 Q. Does MyPillow have an Instagram account?</p> <p>24 A. I have no idea. I don't think so. I don't</p> <p>25 know. I don't know. I can't say. I don't</p>	<p style="text-align: right;">Page 375</p> <p>1 Q. Who ran these accounts in 2021?</p> <p>2 A. I don't know. A company. I believe it was a</p> <p>3 company. It might've been outside of</p> <p>4 MyPillow. I don't know. We had Facebook.</p> <p>5 We've hired Facebook companies. Prior to</p> <p>6 2021, you only had Facebook and Twitter</p> <p>7 basically, so it was very easy. I think</p> <p>8 there was -- it was Facebook and Twitter.</p> <p>9 There weren't these other platforms: Gab,</p> <p>10 GETTR, Truth, FrankSocial. They all came</p> <p>11 because they banned everything on Twitter and</p> <p>12 Facebook and deplatformed 1.2 million people.</p> <p>13 So all these amazing social media places have</p> <p>14 sprung up, all these social media sites.</p> <p>15 There was only Facebook and Twitter</p> <p>16 that MyPillow advertised on prior to 2021.</p> <p>17 And we didn't do anything on Twitter because</p> <p>18 it was -- we didn't spend any money on</p> <p>19 Twitter ads because they were -- nobody buys</p> <p>20 on Twitter.</p> <p>21 So there was -- when you talk about</p> <p>22 organic, having a MyPillow page there, it was</p> <p>23 probably never used and we probably had very</p> <p>24 few sales ever off it.</p> <p>25 And Facebook, we would buy ads.</p>
<p style="text-align: right;">Page 374</p> <p>1 know. I don't ever post on it.</p> <p>2 Q. Does MyPillow have a FrankSocial account?</p> <p>3 A. I don't know that either.</p> <p>4 Q. Does MyPillow have a Truth Social account?</p> <p>5 A. I don't know. I think it might. I've seen</p> <p>6 an ad there before. You know, I don't know.</p> <p>7 I don't know.</p> <p>8 Q. Who at the company would know what social</p> <p>9 media accounts MyPillow has?</p> <p>10 A. Her name is Heidi. She took over that, I</p> <p>11 don't know, last year. And so she just puts</p> <p>12 up ads every day.</p> <p>13 I know we have a Telegram account</p> <p>14 on MyPillow. We probably have a Truth. I</p> <p>15 know we have a Gab, a GETTR.</p> <p>16 I think every -- anyplace we can</p> <p>17 advertise on social media we have -- I'm sure</p> <p>18 we have every account, but I don't know --</p> <p>19 yeah, we do have an Instagram. I take that</p> <p>20 back. We do have an Instagram. The worst</p> <p>21 sales of all though is definitely --</p> <p>22 (Simultaneous indiscernible crosstalk)</p> <p>23 Q. And at the -- so today you said a woman named</p> <p>24 Heidi runs these accounts?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 376</p> <p>1 You buy ads and there's a -- you buy MyPillow</p> <p>2 ads there. We have since 2011, I believe.</p> <p>3 And that goes up and down depending on</p> <p>4 Facebook changing their algorithms, which is</p> <p>5 where you can put in -- you can sort your</p> <p>6 filters. They change that all the time. It</p> <p>7 can be good and bad. Right now it's kind of</p> <p>8 bad.</p> <p>9 Q. I want to move on to the next topic, topic</p> <p>10 16, which is the email handle,</p> <p>11 mediainquiry@MyPillow.com, including the</p> <p>12 reasons it was created and MyPillow's</p> <p>13 practices and procedures related to it.</p> <p>14 Are you prepared -- have you</p> <p>15 prepared to testify as to this topic today?</p> <p>16 A. No, but I'm very knowledgeable.</p> <p>17 Q. And so what is -- when was the email handle</p> <p>18 mediainquiry@MyPillow.com created?</p> <p>19 A. It was created back in 2000 -- I want to say</p> <p>20 2012 maybe or 2000 -- no, it would be later</p> <p>21 than that. I don't know. Somewhere back in</p> <p>22 the 2012, '11, maybe '13. They -- um, maybe</p> <p>23 '13.</p> <p>24 It was created -- at one point back</p> <p>25 then I had a PR company and they created</p>

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<p style="text-align: right;">Page 377</p> <p>1 that. The PR company that was hired, it was  2 in -- they're in Minneapolis. I forget their  3 names. And they put it on there. So they  4 would get all the media inquires, which would  5 be if somebody wanted me to come on and talk  6 about MyPillow or whatever it was and also  7 the Lindell Recovery Network. That was a big  8 thing, talking about addiction. And it was  9 the American dream, a story going from crack  10 addict to CEO in this big company with  11 MyPillow. But that was put on by them back  12 then. And the inquiries would go directly to  13 them. Even though they had a MyPillow email,  14 they're the ones that had access to it.  15 They were fired. I fired them or  16 got rid of them, let's see, somewhere around  17 I want to say 20 -- maybe '18 -- '17 or '18,  18 somewhere in there.  19 Q. And at what --  20 A. Now people -- and now people -- and now  21 people -- go ahead. Go ahead.  22 Q. When the PR firm no longer was behind the  23 email account or the email address, who began  24 to operate the email address?  25 A. I have no idea. We didn't even -- people</p>	<p style="text-align: right;">Page 379</p> <p>1 or would he like to comment on this, things  2 like that. It's probably just ran by our  3 call center in realtime maybe. I don't know.  4 I don't know.  5 Q. It's fair to say that that email address can  6 be used to coordinate your media appearances?  7 A. No. Never. Never. The media requests, it's  8 usually only -- if somebody requests a media,  9 then it comes to me. They'll send it to me,  10 and I will answer them with my cell phone. I  11 never answer with an email. It's always my  12 cell phone. I'll call them directly. I want  13 to talk to them. Or I'll have my assistant  14 find out, you know, what do they want to talk  15 about, what's the -- you know, how much time  16 do they need, do I have to go there in  17 person. There's so many things that go into  18 that. And this has been going on since 2012,  19 '13.  20 When we took over, it was like --  21 you know, we were paying this company a lot  22 of money for -- we could coordinate that.  23 She would call me up, yeah, Mike, this  24 company wants you on or whatever. I'm going,  25 okay, why am I paying them for that? It</p>
<p style="text-align: right;">Page 378</p> <p>1 would want me on their shows and I -- I just  2 gave everybody my personal number. My  3 number, every media outlet in the world has  4 it. I'm free with it. I give every single  5 one. They just call me directly. Would you  6 like to come on our show? This was in 2015,  7 '16, '17. By then it was just me.  8 Actually, you know what, it was  9 after I fired them when I was on Don Imus and  10 that was back, I think, in 2014. I believe  11 it was in 2014 because I was paying them like  12 15,000 a month and he goes, You don't need  13 them. So I just started booking my own  14 stuff. People would call me. Yeah, I'll  15 come on. I'll come on.  16 And as far as that email, I don't  17 know when that was ever transferred back and  18 who even watched it. Probably our call  19 center would watch it. And I would get a  20 request going, hey, you've got a -- so and so  21 wants -- has a media request if you want to  22 go on their show.  23 Usually we only got them -- the  24 media would do a -- if someone didn't have my  25 email they would -- hey, would Mike come on</p>	<p style="text-align: right;">Page 380</p> <p>1 didn't make sense, so we just started -- I  2 just started doing it myself or my assistant.  3 And now my assistant, Katelyn, will  4 -- because we get media requests, whether --  5 most of them come directly to us or to me  6 because everyone's got my cell phone number.  7 If they do come to an email, she reads my  8 emails and she'll say -- usually if something  9 happens -- like last week I was at the DNC.  10 You might have all seen where I shaved my  11 mustache. Did you all see that? Well, when  12 I was there, at the DNC, and I got all kinds  13 of media that I hadn't heard from in a while  14 and most of them were texting me -- you've  15 got a few stragglers from overseas that sent  16 an email: We would like to talk to Mike  17 Lindell. Would he like to make a comment on  18 how did he get into the DNC? You know --  19 what credentials did he have? Just stupid  20 stuff like that.  21 Most of the time we will never  22 answer by email back, though, because they  23 will take it out of context. I say, You know  24 what, you want to talk me? Call me up. I'll  25 do that. Most of them don't like doing that</p>

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<p style="text-align: right;">Page 381</p> <p>1 because I'll talk to them for an hour and</p> <p>2 they have things to do.</p> <p>3 Q. So will people email this address, though,</p> <p>4 mediainquiry@MyPillow.com, in order to get in</p> <p>5 touch with you if they don't have your</p> <p>6 number?</p> <p>7 A. I don't know. It's very seldom we get</p> <p>8 anything there ever because they all have my</p> <p>9 number. They have for ten years. I mean,</p> <p>10 since I took it over back with Imus back in</p> <p>11 '13 or '14, I don't know, like someone will</p> <p>12 email. I go, what, are you the only guy in</p> <p>13 the world that doesn't have my phone number</p> <p>14 or my email, my direct email, which is</p> <p>15 mike@MyPillow.com? That's where stuff comes</p> <p>16 in.</p> <p>17 Nobody uses media requests at</p> <p>18 MyPillow. I don't think they have for years.</p> <p>19 And we certainly don't -- nobody gets to</p> <p>20 answer them back without bringing it to me,</p> <p>21 the request or whatever it is. That would be</p> <p>22 -- or a comment to the media. They're not</p> <p>23 going to comment for me. They're going to</p> <p>24 send it to me.</p> <p>25 You know, there's nobody that sits</p>	<p style="text-align: right;">Page 383</p> <p>1 February 17th, 2021, correct?</p> <p>2 A. Yeah. It says Kate Dalley on February 17,</p> <p>3 2021.</p> <p>4 Q. And the subject is "Interview Mike on his new</p> <p>5 movie - Media Request," correct?</p> <p>6 A. Right. And Katelyn says, "For future</p> <p>7 communications I'd like you to have my</p> <p>8 personal email: Kg@MyPillow.com." We rarely</p> <p>9 -- hardly anyone sends anything to this</p> <p>10 thing.</p> <p>11 Q. In this instance Kate Dalley at Dalley Radio</p> <p>12 sent a request -- if we go down to the bottom</p> <p>13 -- to mediainquiry@MyPillow.com and says,</p> <p>14 "Mike, I would love to have you as a guest.</p> <p>15 Thank you for telling the truth." Right?</p> <p>16 She goes on to say, "I'm reaching out</p> <p>17 personally because I'm a huge fan and love</p> <p>18 how bold you are."</p> <p>19 So she's reaching out to this email</p> <p>20 address to ask you to be a guest on her show,</p> <p>21 right?</p> <p>22 A. Yeah. So what's wrong with that? If you're</p> <p>23 going to reach Mike Lindell and you don't</p> <p>24 have my number, where are you going to try to</p> <p>25 get a hold of me at? I'm going to ask you</p>
<p style="text-align: right;">Page 382</p> <p>1 there and looks at this media because nothing</p> <p>2 comes in there. Everyone's got my phone</p> <p>3 number and they have for a long, long time.</p> <p>4 Q. Mr. Lindell, I'm not asking you for requests</p> <p>5 for comment. I'm asking you about</p> <p>6 scheduling.</p> <p>7 A. Scheduling what? No, we never use that --</p> <p>8 Q. Let's look at an example.</p> <p>9 A. Ever, ever do we use that to schedule</p> <p>10 anything that I know of. I mean, schedule</p> <p>11 what? Katelyn schedules stuff and she puts</p> <p>12 it on my calendar on my phone that we both do</p> <p>13 together. We're the only two, at least</p> <p>14 nowadays, that you schedule. Back then or</p> <p>15 whatever you got February of 2021, so -- Kate</p> <p>16 Dalley. I don't know Kate Dalley --</p> <p>17 Q. Mr. Lindell, please stop. Let me create a</p> <p>18 record here.</p> <p>19 A. Okay.</p> <p>20 MR. FREY: Exhibit 755, a document</p> <p>21 Bates stamped DEF026609.</p> <p>22 (Deposition Exhibit 755 was marked for identification.)</p> <p>23 BY MR. FREY:</p> <p>24 Q. And as you were beginning to say, this is an</p> <p>25 email with the top one on the chain dated</p>	<p style="text-align: right;">Page 384</p> <p>1 guys that. Of course you're going to go,</p> <p>2 well, let's see, he owns MyPillow.</p> <p>3 If I am going to try to reach Elon</p> <p>4 Musk, I'm going to call Starlink or whatever</p> <p>5 the heck he's got. If I'm going to call and</p> <p>6 I would try to meet someone if I didn't know</p> <p>7 how to get a hold of them, I would go to</p> <p>8 their company.</p> <p>9 If it was Donald Trump before he</p> <p>10 was President, you know what I would do, I</p> <p>11 would go to Trump Tower and go, hey, can I</p> <p>12 meet -- I would send something.</p> <p>13 Inquiry, that's pretty common.</p> <p>14 Anybody in the world -- what we do is we</p> <p>15 deflect them off of there and say, hey, call</p> <p>16 Mike directly. You don't have to go through</p> <p>17 mediainquiries@MyPillow. This is a catch-all</p> <p>18 right now that's sitting there.</p> <p>19 I guess, you know, if someone is</p> <p>20 going to reach me for something outside of</p> <p>21 MyPillow, they're still going to come through</p> <p>22 there if they don't have my number. But this</p> <p>23 might be the one person that didn't have my</p> <p>24 personal number.</p> <p>25 But what did Katelyn do? She said</p>



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<p style="text-align: right;">Page 385</p> <p>1 here's how to reach me in the future because</p> <p>2 nobody even looks at this thing anymore, very</p> <p>3 seldom any media inquiry. I bet you no one</p> <p>4 is monitoring it right now.</p> <p>5 Q. Do you see, Mr. Lindell, in the next email up</p> <p>6 Kate writes back -- right -- or KG writes</p> <p>7 back and begins to try to schedule you for</p> <p>8 the show, right?</p> <p>9 A. Okay. Right.</p> <p>10 Q. And then if we keep going up to -- okay. At</p> <p>11 the bottom of the third page, on February</p> <p>12 17th mediainquiry@MyPillow.com writes back</p> <p>13 and says, "Kate, I appreciate you adding this</p> <p>14 additional information! I must ask, we just</p> <p>15 switched to only accepting interviews if Mike</p> <p>16 is allowed to discuss Dominion and Smartmatic</p> <p>17 machines. Is this something Mike could</p> <p>18 discuss on your show? His documentary would</p> <p>19 be an entryway into discussing the machines."</p> <p>20 Do you see that?</p> <p>21 A. Yep.</p> <p>22 Q. So this mediainquiry@MyPillow.com account is</p> <p>23 scheduling interviews for you in which you</p> <p>24 will only --</p> <p>25 A. Find another one. Find another one.</p>	<p style="text-align: right;">Page 387</p> <p>1 Hey, he owns this company, maybe I'll reach</p> <p>2 out to him. And Katelyn answered her back in</p> <p>3 the future use KG whatever it was and she</p> <p>4 answered this person. She's only scheduling</p> <p>5 interviews.</p> <p>6 If you want to talk about the</p> <p>7 weather, I didn't have time back then. We're</p> <p>8 trying to save a country. So I'm not going</p> <p>9 to talk to you about -- you're not going to</p> <p>10 have me on your interview and talk about the</p> <p>11 weather or the economy or even how bad</p> <p>12 MyPillow is getting hit, you know, whatever</p> <p>13 it was. I didn't have time. I had to shut</p> <p>14 everything down and just talk about elections</p> <p>15 and our election platforms, getting rid of</p> <p>16 the machines.</p> <p>17 Q. Mr. Lindell, my only question, and I'd</p> <p>18 appreciate it if you would keep your answer</p> <p>19 to the question, is that this person was</p> <p>20 reaching out to MyPillow.com to schedule you</p> <p>21 to be on her show and the MyPillow.com email</p> <p>22 account is responding scheduling shows to</p> <p>23 talk about only Dominion and Smartmatic,</p> <p>24 correct?</p> <p>25 A. No, that's not correct.</p>
<p style="text-align: right;">Page 386</p> <p>1 (Simultaneous indiscernible crosstalk)</p> <p>2 Q. -- correct?</p> <p>3 A. No, that's not true at all. This is -- this</p> <p>4 was one person that didn't know how to reach</p> <p>5 me, this Kate whoever.</p> <p>6 Everything came through my phone.</p> <p>7 99.99 percent of every media, including every</p> <p>8 left wing journalist out there, which I would</p> <p>9 get at least from morning until night -- from</p> <p>10 6:00 a.m. in the morning until 9:00 p.m.</p> <p>11 until I went to bed, I would do hundreds of</p> <p>12 interviews -- not hundreds, but at least 30</p> <p>13 to 40 every single day. Mike, you lost three</p> <p>14 more retailers. How do you feel? Mike, can</p> <p>15 I talk to you? I would just take them. We</p> <p>16 couldn't even schedule them. They kept</p> <p>17 calling and attacking every single day.</p> <p>18 This one person you cherry-picked</p> <p>19 out that didn't know how to reach me -- what</p> <p>20 was Katelyn supposed to do? Oh, I'm sorry.</p> <p>21 Could you switch over here and I'll tell you</p> <p>22 this? She just is answering because this</p> <p>23 person didn't know how to reach me for</p> <p>24 Dominion and Smartmatic and election issues.</p> <p>25 So she reached out like anyone else did.</p>	<p style="text-align: right;">Page 388</p> <p>1 Q. Okay. So when --</p> <p>2 A. I don't believe -- I don't believe it's</p> <p>3 correct. You're saying MyPillow is</p> <p>4 responding as MyPillow. No. This person</p> <p>5 couldn't find me, so she reached out to the</p> <p>6 company knowing I own the company. You're</p> <p>7 trying to twist this into something it's not.</p> <p>8 That's bizarre.</p> <p>9 So I'm going to -- I've given you</p> <p>10 my answer. I'm not going to give any more</p> <p>11 answers. I've given you my answer.</p> <p>12 This person didn't know how to</p> <p>13 reach me. This isn't a common thing at</p> <p>14 MyPillow. If you didn't know how to reach me</p> <p>15 in the past when it was before, but then</p> <p>16 everybody got my phone number.</p> <p>17 But if you go back two years, sure,</p> <p>18 there was a whole bunch of stuff called in</p> <p>19 all the time for me to come on. Mike, you</p> <p>20 just helped the victims in whatever -- here.</p> <p>21 Mike did this. You know, this just happened</p> <p>22 to be she didn't know how to reach me so she</p> <p>23 reached out to a company that I am part owner</p> <p>24 in.</p> <p>25 And this person that happened to be</p>

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<p style="text-align: right;">Page 389</p> <p>1 watching it then was Katelyn, which I</p> <p>2 guarantee you somebody probably told her that</p> <p>3 this was on this media thing watching them;</p> <p>4 maybe she was.</p> <p>5 But you see what she did? She</p> <p>6 says, hey, you're emailing the wrong thing.</p> <p>7 MyPillow has nothing to do with this. You</p> <p>8 know, email me here in the future.</p> <p>9 MR. KACHOUROFF: Okay. Okay. Next</p> <p>10 question.</p> <p>11 THE WITNESS: Right.</p> <p>12 BY MR. FREY:</p> <p>13 Q. Mr. Lindell, I'd like to move on to topics</p> <p>14 20, 21, and 22, which are defendants' July</p> <p>15 11th, 2023 productions of documents and data</p> <p>16 and defendants' document production</p> <p>17 practices, including metadata provided with</p> <p>18 defendants' productions of documents. Do you</p> <p>19 see those?</p> <p>20 A. (Reviewing document.) Yeah. Okay. Yeah, I</p> <p>21 see them.</p> <p>22 Q. Okay. And with respect to topic 21,</p> <p>23 defendants' July 11, 2023 productions of</p> <p>24 document and data, have you done anything to</p> <p>25 prepare yourself as to testify to this topic?</p>	<p style="text-align: right;">Page 391</p> <p>1 for the CIA. Everything checked out. I get</p> <p>2 a piece of that, but it had a government gag</p> <p>3 order on it. So I went to -- tried to get</p> <p>4 that signed so we could release it to the</p> <p>5 world.</p> <p>6 I spent the next six months people</p> <p>7 validating it, that the data was from the</p> <p>8 2020 election. And I finally said, You know</p> <p>9 what, I don't care if there is a gag order or</p> <p>10 not, here you go Smartmatic, here you go</p> <p>11 Dominion, and that's it.</p> <p>12 BY MR. FREY:</p> <p>13 Q. And, Mr. Lindell, when you're testifying</p> <p>14 there about what you did, is that -- is that</p> <p>15 you, Mr. Lindell, or is it you as the</p> <p>16 corporate representative of MyPillow?</p> <p>17 A. Oh, MyPillow -- I don't know -- MyPillow</p> <p>18 wouldn't have had access to anything. This</p> <p>19 was Mike Lindell. MyPillow wouldn't have</p> <p>20 access to this. They wouldn't even -- there</p> <p>21 is nobody that would even know anything about</p> <p>22 this, period, so... Yeah, this was Mike</p> <p>23 Lindell.</p> <p>24 This is outside of MyPillow that</p> <p>25 they -- but if they were -- so I would assume</p>
<p style="text-align: right;">Page 390</p> <p>1 A. No. I'm just knowledgeable in this area, I</p> <p>2 believe.</p> <p>3 Q. Okay. And that production comprised three</p> <p>4 hard drives of 32 terabytes of data, as well</p> <p>5 as millions of pages of documents.</p> <p>6 A. Okay.</p> <p>7 Q. As testifying as MyPillow here, who is one of</p> <p>8 the defendants who produced that data, what</p> <p>9 is your understanding of the data produced?</p> <p>10 A. I believe it was -- I believe -- I believe it</p> <p>11 was hired for over \$100,000 by an outside</p> <p>12 firm, by outside lawyers I have. They hired</p> <p>13 this firm. And I think it was --</p> <p>14 MR. KACHOUROFF: Mike, he's not</p> <p>15 talking about number 22. He's talking about</p> <p>16 the Dennis Montgomery 32 terabytes in number</p> <p>17 21.</p> <p>18 THE WITNESS: Oh, okay. Okay.</p> <p>19 Yeah, that's the 32 terabytes. That was</p> <p>20 evidence that I got on January 9th of 2021.</p> <p>21 I was given -- not given on January. I was</p> <p>22 told about it by Mary Fanning, who I didn't</p> <p>23 know, and it took 17 minutes or 20 minutes</p> <p>24 when she told me all this. And so I had</p> <p>25 Dennis Montgomery validated. Yes, he worked</p>	<p style="text-align: right;">Page 392</p> <p>1 that this -- unless the lawyers gave it -- if</p> <p>2 they were all defendants, which you told me</p> <p>3 at the beginning of this we were all clumped</p> <p>4 in the same group, so whoever presented this</p> <p>5 to -- it came from Dennis Montgomery, came</p> <p>6 from -- that's where the evidence came from.</p> <p>7 Now, MyPillow didn't house this.</p> <p>8 But we're all defendants, so whatever was</p> <p>9 asked in the discovery is a big glob. It</p> <p>10 came from Dennis Montgomery to you in a nice</p> <p>11 package.</p> <p>12 Q. And so no one -- outside of you as CEO of</p> <p>13 MyPillow, no one from MyPillow reviewed this</p> <p>14 data, correct?</p> <p>15 A. Absolutely not. Absolutely not. One</p> <p>16 thousand percent not. I had outside cyber</p> <p>17 guys that I hired to look at this.</p> <p>18 Q. And did you as CEO of MyPillow review this --</p> <p>19 these documents and data?</p> <p>20 A. Not for -- personally I looked at these</p> <p>21 documents, but not as CEO of MyPillow. I</p> <p>22 didn't go, okay, now I'm going to look at</p> <p>23 them as CEO of MyPillow. Am I the CEO of</p> <p>24 MyPillow? Yes. Am I the president of</p> <p>25 Lindell Recovery? Yes. You want me to take</p>

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<p style="text-align: right;">Page 393</p> <p>1 my hat off? I can't help -- my same eyes see</p> <p>2 the same documents. What kind of stupid</p> <p>3 question is that?</p> <p>4 MR. KACHOUROFF: Mike, stop. Mike,</p> <p>5 stop it. Mike --</p> <p>6 THE WITNESS: I personally looked</p> <p>7 at the documents. What kind of question is</p> <p>8 that?</p> <p>9 MR. KACHOUROFF: Mike, he's asking</p> <p>10 in your capacity as MyPillow's designated</p> <p>11 person who's testifying for the company.</p> <p>12 Answer the question that way.</p> <p>13 THE WITNESS: I don't know how to</p> <p>14 answer the question. I don't know. It's a</p> <p>15 trick question. Just like the girl said in</p> <p>16 My Cousin Vinny, it's a trick question. Did</p> <p>17 MyPillow's board say go look at this data</p> <p>18 because we're defendants in a case? No. The</p> <p>19 lawyers -- at one time I had two separate</p> <p>20 groups of lawyers, one with MyPillow and one</p> <p>21 with Mike Lindell.</p> <p>22 So I don't know what to say, Chris.</p> <p>23 Mike Lindell -- I am the CEO of MyPillow, and</p> <p>24 Mike Lindell -- my eyes looks at this data</p> <p>25 and the documents.</p>	<p style="text-align: right;">Page 395</p> <p>1 there that shouldn't have hired these people,</p> <p>2 I guess. And so I guess we're going to be</p> <p>3 giving you a -- or whatever happened, I guess</p> <p>4 the lawyer is going to put together a thing</p> <p>5 of here's what happened.</p> <p>6 MR. KACHOUROFF: Mike, stop.</p> <p>7 For the record, Tim, I sent over</p> <p>8 something just now. I've been working on it.</p> <p>9 See if that suffices for what you guys want.</p> <p>10 We can talk later on tonight and tomorrow</p> <p>11 maybe pick that up and you can finish that</p> <p>12 off if you wish.</p> <p>13 MR. FREY: Okay. Well, I'm at a</p> <p>14 break point anyway. So let us go take a look</p> <p>15 at that and we'll take maybe a 10-minute</p> <p>16 break and then we can pick back up. And I</p> <p>17 think just one more session and we should be</p> <p>18 done.</p> <p>19 THE VIDEOGRAPHER: We are going off</p> <p>20 the record, 6:17 p.m.</p> <p>21 (A recess was taken.)</p> <p>22 THE VIDEOGRAPHER: We are back on</p> <p>23 the record 6:31 p.m.</p> <p>24 BY MR. FREY:</p> <p>25 Q. Mr. Lindell, I want to look at topic 19 of</p>
<p style="text-align: right;">Page 394</p> <p>1 MR. KACHOUROFF: Okay.</p> <p>2 THE WITNESS: That's all I can say.</p> <p>3 I can't say it any other way.</p> <p>4 MR. KACHOUROFF: That's your</p> <p>5 answer.</p> <p>6 THE WITNESS: That's my answer.</p> <p>7 BY MR. FREY:</p> <p>8 Q. Okay. Mr. Lindell, with respect to topic</p> <p>9 number 22, defendants' production -- document</p> <p>10 production practices, including metadata</p> <p>11 provided with defendants' production of</p> <p>12 documents, I understand from your current</p> <p>13 counsel that you will be providing a written</p> <p>14 statement in response to this topic. Is that</p> <p>15 correct?</p> <p>16 A. Yeah. Yeah. I guess that's correct because</p> <p>17 there was a big -- a third party, I guess,</p> <p>18 that I paid over 100 grand. I don't know if</p> <p>19 MyPillow paid that or if Mike Lindell paid</p> <p>20 that. I don't know that part. But they made</p> <p>21 a -- a big error, I guess. And we hired</p> <p>22 another company to fix it or something. And</p> <p>23 so that's all -- that was all done by third</p> <p>24 parties who charged me a lot.</p> <p>25 And lawyers think -- lawyers out</p>	<p style="text-align: right;">Page 396</p> <p>1 the notice, and this is MyPillow's</p> <p>2 investigation concerning the accuracy of any</p> <p>3 claims that Smartmatic rigged the 2020</p> <p>4 presidential election, Smartmatic had a</p> <p>5 corrupt relationship with Dominion and ES&amp;S</p> <p>6 during the 2020 presidential election,</p> <p>7 Smartmatic's election technology, hardware,</p> <p>8 and software were compromised or hacked by</p> <p>9 China or other foreign countries during the</p> <p>10 2020 U.S. presidential election, Smartmatic's</p> <p>11 voting machines were connected to the</p> <p>12 internet during the 2020 U.S. presidential</p> <p>13 election or Smartmatic's election technology,</p> <p>14 hardware, and software were designed to steal</p> <p>15 elections and stole elections before the 2020</p> <p>16 U.S. presidential election.</p> <p>17 Do you see that topic?</p> <p>18 A. Yep.</p> <p>19 Q. Mr. Lindell, what, if anything, has MyPillow</p> <p>20 done to investigate the accuracy of these</p> <p>21 claims that I just listed?</p> <p>22 A. MyPillow and no employee or representative of</p> <p>23 MyPillow has ever represented any of those</p> <p>24 claims. Not one person at MyPillow or</p> <p>25 MyPillow employee or myself representing</p>

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<p style="text-align: right;">Page 397</p> <p>1 myself as MyPillow has ever, ever said to</p> <p>2 Dominion any of those claims.</p> <p>3 Q. So I didn't ask Mr. Lindell -- I'm going to</p> <p>4 move to strike that. I didn't ask whether</p> <p>5 anyone had made a representation of those</p> <p>6 claims. I asked if MyPillow has ever</p> <p>7 investigated any of those claims?</p> <p>8 A. No. No, nobody under MyPillow's capacity has</p> <p>9 ever done that ever because that's not their</p> <p>10 business.</p> <p>11 MR. FREY: Mr. Lindell, I am going</p> <p>12 to end my questioning for the day. Although,</p> <p>13 I'm going to reserve the right to ask</p> <p>14 additional questions of you or another</p> <p>15 corporate representative about the financial</p> <p>16 statements that we went over today, financial</p> <p>17 statements that were just produced to us this</p> <p>18 afternoon, which we have not had a chance to</p> <p>19 review; board minutes produced to us this</p> <p>20 afternoon, which we have not had a chance to</p> <p>21 review; and the request 22 after we've had an</p> <p>22 opportunity to look at the documents sent by</p> <p>23 your counsel about 20 minutes ago.</p> <p>24 THE WITNESS: You'll let him know</p> <p>25 which things you need, like the 2023 tax</p>	<p style="text-align: right;">Page 399</p> <p>1 -- hold off on that. I'll let you know.</p> <p>2 THE VIDEOGRAPHER: Anything else</p> <p>3 before I take us off the record?</p> <p>4 MR. KACHOUROFF: I think that's it.</p> <p>5 Tim, will you call me later,</p> <p>6 please.</p> <p>7 THE VIDEOGRAPHER: This concludes</p> <p>8 the deposition of Michael Lindell. We're</p> <p>9 going off the record at 6:35 p.m. Eastern</p> <p>10 Time -- Central Time.</p> <p>11 (Deposition concluded at 6:35 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 398</p> <p>1 return? I don't think you have that. Right?</p> <p>2 2023 or whatever it was.</p> <p>3 MR. KACHOUROFF: I got it to them,</p> <p>4 Mike.</p> <p>5 Mr. Frey --</p> <p>6 THE WITNESS: Okay. I thought we</p> <p>7 have all that.</p> <p>8 MR. KACHOUROFF: Chris Kachoureff</p> <p>9 here. When you look at your financial</p> <p>10 questions that you want to ask, if you could</p> <p>11 drill down because, to be fair, asking about</p> <p>12 financials is a very broad topic. If there's</p> <p>13 -- it would certainly help to drill down. If</p> <p>14 there is specifics that you want to know</p> <p>15 about, we'll make sure we get those things</p> <p>16 answered for you.</p> <p>17 MR. FREY: Great. Thank you,</p> <p>18 Mr. Kachoureff. That's all my questioning</p> <p>19 for today.</p> <p>20 MR. KACHOUROFF: Okay. Thank you.</p> <p>21 THE VIDEOGRAPHER: Before we go off</p> <p>22 the record -- sorry. Mr. Kachoureff, are you</p> <p>23 ordering a copy of the transcript and/or</p> <p>24 video at this time?</p> <p>25 MR. KACHOUROFF: Transcript -- I'll</p>	<p style="text-align: right;">Page 400</p> <p>1 STATE OF MINNESOTA )</p> <p>2 COUNTY OF RAMSEY )</p> <p>3</p> <p>4 Be it known that I took the</p> <p>5 deposition of Michael Lindell on</p> <p>6 August 27, 2024;</p> <p>7 That I was then and there a</p> <p>8 notary public in and for the County of</p> <p>9 Ramsey, State of Minnesota, and that by</p> <p>10 virtue thereof I was duly authorized to</p> <p>11 administer an oath;</p> <p>12 That the witness before</p> <p>13 testifying was by me first duly sworn to</p> <p>14 testify the whole truth and nothing but the</p> <p>15 truth relative to said cause;</p> <p>16</p> <p>17 That the testimony of said</p> <p>18 witness was recorded in stenotype by myself</p> <p>19 and transcribed into typewriting under my</p> <p>20 direction, and that the deposition is a true</p> <p>21 record of the testimony given by the witness</p> <p>22 to the best of my ability;</p> <p>23 That I am not related to any of</p> <p>24 the parties hereto nor interested in the</p> <p>25 outcome of the action;</p> <p>Witness my hand and seal this</p> <p>29th day of August, 2024.</p> <p>DEBRA BEAUVAIS</p> <p>COURT REPORTER</p>